



Ministry  
of Justice

# **Delivering justice for victims**

## **Consultation response**

May 2022

CP 664





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of Justice

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### Consultation response

Presented to Parliament  
by the Lord Chancellor and  
Secretary of State for Justice  
by Command of Her Majesty

May 2022

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## Foreword



It takes immense bravery and strength to come forward and report a crime. But after working up the courage, too many victims' voices get lost in the system – leaving them feeling peripheral to the process, disillusioned and, at worst, compounding their ordeal.

As many as three in five victims do not feel able to report the crimes they suffer, and a third withdraw before prosecution and justice is done. That is just not good enough.

Protecting victims and improving their experience and the support they receive is my top priority as Justice Secretary.

It is not just the right thing to do. On a practical level, giving victims the confidence to come forward and stay engaged in the process means we can bring more criminals to justice, cut crime, and make our streets safer.

## **Delivering justice for victims: consultation response**

Our Victims Bill, and wider package of reforms, will put victims' interests firmly at the heart of the justice system.

First, we are giving victims a louder voice. We will make sure their views are heard by requiring the Crown Prosecution Service to meet with victims in certain cases before a hearing takes place, and where appropriate, introducing the right to attend parole hearings in full, subject to the circumstances of the case. We will also encourage greater use of Community Impact Statements, helping courts to understand the impact crime has on whole communities.

Second, we will support victims every step of the way, so they feel able to pursue the justice they deserve and can begin rebuilding their lives.

We are increasing the victim surcharge by 20 percent, meaning offenders will pay more towards vital victim support services as they make amends for their crimes. We will also require Police and Crime Commissioners, health bodies and local authorities to work together when commissioning support services for victims, making a more joined-up support offer available.

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And we will better help victims of sexual and domestic abuse by introducing a statutory definition of and guidance for Independent Domestic / Sexual Abuse Advisors (IDVAs and ISVAs) to increase awareness and consistency of these important roles.

The new Victims Funding Strategy will also tackle barriers to sustainable funding and drive consistent commissioning, so that victims get the right support at the right time.

Third, we are strengthening transparency and making sure there is enhanced scrutiny when victims are let down.

We will enshrine the Victims' Code in law, sending a clear signal about what victims can and should expect from the justice system. When they do not receive that level of service, this Bill will make it easier for them to escalate their complaints without the need to go through their local MP.

At the same time, we're setting the system up to work on the idea of continuous improvement. Criminal justice agencies will be under a duty to review their compliance with the Victims' Code – using data and victim feedback to improve their performance.

## **Delivering justice for victims: consultation response**

Our Criminal Justice Scorecards are shining a light on performance in different parts of the justice system, enabling us and local leaders to learn from, and spread, best practice.

When performance is not where it should be, we will work with inspectorates to make sure the right processes are in place to identify issues and improve them. And, crucially, we will legislate so that criminal justice inspectorates carry out regular joint inspections on victims' issues.

At the last election, we committed to doing much better by victims. This package builds on concrete measures that are already making a real difference, including our commitments in the End-to-End Rape Review.

We have committed a minimum of £440m for services for victims and witnesses over the next three years, so that organisations can plan for the future and ensure victims get high quality support when they need it most.

Operationally, our national rollout of pre-recorded cross-examination for victims of sexual and modern slavery offences continues apace. This spares victims

## **Delivering justice for victims: consultation response**

the ordeal of giving their evidence under the glare of a live courtroom and makes it more likely they will stay engaged in the justice process.

I thank everyone who contributed to this consultation. Your views have been instrumental in shaping our plans.

No victim should ever feel like an afterthought in our criminal justice system. Taken together, these measures will help us get on with the job of getting criminals off our streets and empowering and supporting victims to seek the justice they deserve.

Dominic Raab MP

Deputy Prime Minister and  
Secretary of State for Justice

## Introduction

In December 2021 the Government launched “*Delivering Justice for Victims*” – a consultation setting out our intention to improve victims’ experiences of the criminal justice system across England and Wales.<sup>1</sup> We said our vision was to see a cultural shift so that victims’ experiences become central to the way our society thinks about and responds to crime, with five critical elements for delivering a world-class service to victims:

1. Amplifying victims’ voices in the criminal justice process.
2. Increasing the transparency of the performance of criminal justice agencies.
3. Ensuring there are clear lines of oversight for when victims are treated poorly.

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<sup>1</sup> “Delivering justice for victims” (December 2021)  
<https://www.gov.uk/government/consultations/delivering-justice-for-victims-a-consultation-on-improving-victims-experiences-of-the-justice-system>

## **Delivering justice for victims: consultation response**

4. Supporting victims to rebuild their lives through accessible and professional services and ensuring that criminals pay more to support these services.
5. Ensuring there are better tools to protect victims and prosecute criminals.

This Government response provides an overview of consultation responses and wider engagement. It sets out plans to fulfil our commitment to put victims at the heart of the criminal justice system, through a landmark Victims Bill and a wider package of reforms.

We want to get this important legislation right. A draft Bill has been published that will be scrutinised by the Justice Select Committee, providing an additional opportunity for the views of stakeholders to be heard and considered, before the Bill is formally introduced in Parliament. This, together with the accompanying reforms outside of legislation, marks an important step forward in improving the things that victims care about most. It will help victims to have confidence that there is the right support available and that if they report crime, the criminal justice system will treat them in the way they should rightly expect.

### The story so far

The Victims Bill and accompanying measures will form a crucial pillar of the wide-ranging work across Government to ensure that the needs of victims are prioritised, through increased investment, targeted legislation and improved ways of working across operational partners. So far, we have:

- **Set clear expectations about the quality of support victims should receive** when engaging with the criminal justice system, through the Victims' Strategy in 2018<sup>2</sup> and revised Victims' Code (the Code) in 2021.<sup>3</sup>
- **Increased funding for supporting victims.** Across government last year around £300 million was made available to support victims of crime. We will increase Ministry of Justice funding for victim support services to £185 million per year by 2024/25, an 85% increase from core funding in

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<sup>2</sup> Victims Strategy (September 2018) <https://www.gov.uk/government/publications/victims-strategy>

<sup>3</sup> The Code of Practice for Victims of Crime in England and Wales and supporting materials (April 2021) <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>



2020/21.<sup>4</sup> This will support an expansion in the Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs) we fund to over 1,000.

- **Changed the way that we deliver this funding.** Recognising how crucial sustainable funding is for the victim support sector, a significant proportion of funding for support services is now guaranteed on a multi-year basis (more than £440 million over the next three years<sup>5</sup>). This will allow service providers to plan for the future, build capacity and strengthen their resilience to help even more victims.
- **Made progress with delivery of our Rape Review Action Plan** to improve every stage of the process for victims of sexual violence, and more

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<sup>4</sup> “Largest funding increase in more than a decade for the justice system” – GOV.UK (October 2021)

<https://www.gov.uk/government/news/largest-funding-increase-in-more-than-a-decade-for-justice-system>

<sup>5</sup> “Major funding boost for victims services as local criminal justice scorecards published” – GOV.UK (March 2022)

<https://www.gov.uk/government/news/major-funding-boost-for-victim-services-as-local-criminal-justice-scorecards-published>

than double the number of adult rape cases going to court by the end of this Parliament.

- **Committed to introduce a single source of 24/7 support for victims of rape and sexual violence** in June 2022, as part of the Rape Review Action Plan to improve every stage of the process for victims of sexual violence.
- **Improved privacy for victims** by updating the Attorney General’s Disclosure Guidelines to clearly set out considerations for sensitive management of personal information handled within criminal investigations, including proportionate access to “third-party material” (such as medical, education or local authority records).
- **Improved the court experience for victims**, including the start of the national rollout of pre-recorded cross-examination (known as “Section 28”) for victims of sexual and modern slavery offences, which began with Crown Courts on the North-Eastern Circuit from 31 March 2022.<sup>6</sup>

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<sup>6</sup> Guidance on the option to pre-record evidence in advance of a trial for vulnerable complainants of a crime and witnesses (section 28) – GOV.UK (May 2021)  
<https://www.gov.uk/guidance/hmcts-services-section-28-pre-recorded-cross-examinations>

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- **Continued to deliver on the commitments made in response to the expert panel report on harm in the family court**, including launching the Integrated Domestic Abuse Courts pilot in Dorset and North Wales. We are considering support in the family court outside the Victims Bill and will publish a response shortly to the Domestic Abuse Commissioner's report on the family court.
- **Improved support for victims of fraud** by working with City of London Police to expand the National Economic Crime Victim Care Unit, which as of April 2022 is supporting 37 police forces, and supporting National Trading Standards in the rollout of the Multi-Agency Approach to Fraud (MAAF) to speed up information sharing across agencies to better identify the needs of vulnerable people.
- **Continued our efforts to tackle the backlog and improve timeliness in the criminal justice system.** We removed the limit on the number of days the Crown Court can sit in the 21/22 financial year, fitted over 90% of Crown courtrooms with Cloud Video Platform and extended 30 Nightingale courtrooms beyond March 2022. We are also

## **Delivering justice for victims:** consultation response

investing £477 million in the criminal justice system over the next three years.

- **Brought forward new legislation.** The Government has introduced tougher punishments for the worst offenders in the Police, Crime, Sentencing and Courts (PCSC) Act 2022, including abolishing automatic halfway release for an additional cohort of serious sexual and violent offenders. We also passed the Domestic Abuse Act 2021, which will help to protect victims and bring perpetrators to justice.
- **Developed key strategies to underpin legislative change** including the Tackling Violence Against Women and Girls (VAWG) Strategy, the Tackling Domestic Abuse Plan, and the accompanying position statement on supporting male victims, as well as the Modern Slavery

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Strategy and Women's Health Strategy which will be published later this year.<sup>7</sup>

- **Improved transparency of data on victim engagement in the criminal justice system** through new scorecards which measure victim engagement at each stage of the system – from the point a crime is recorded, to charge through to court.<sup>8</sup>
- **Launched campaigns to improve understanding of what abuse is and the support available to survivors** through the *Enough* campaign about violence against women

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<sup>7</sup> Tackling Violence Against Women and Girls Strategy (July 2021) [www.gov.uk/government/publications/tackling-violence-against-women-and-girls-strategy](http://www.gov.uk/government/publications/tackling-violence-against-women-and-girls-strategy); Tackling Domestic Abuse Plan (March 2022) [www.gov.uk/government/publications/tackling-domestic-abuse-plan](http://www.gov.uk/government/publications/tackling-domestic-abuse-plan); Supporting Male Victims (March 2022) <https://www.gov.uk/government/publications/supporting-male-victims>

<sup>8</sup> “CJS scorecards – all crime” – GOV.UK <https://data.justice.gov.uk/cjs-scorecard-all-crime>

and girls, and *It Still Matters* on sexual abuse support services respectively.<sup>9</sup>

### The consultation

The consultation ran for 8 weeks and closed on 3<sup>rd</sup> February 2022.<sup>10</sup> Its aim was to better understand the experiences of victims and harness expertise from frontline practitioners, as well as charities, specialist organisations, think-tanks, campaign groups and experts from across the criminal justice system, health services and local government.

We consulted on how to improve what victims can expect within the criminal justice system, asking about:

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<sup>9</sup> “Enough” (March 2022) <https://enough.campaign.gov.uk/>;  
“It Still Matters” (February 2021)  
[https://sexualabusesupport.campaign.gov.uk/?utm\\_campaign=it\\_still\\_matters&utm\\_medium=social&utm\\_source=twitter&utm\\_content=2022\\_launch\\_070222](https://sexualabusesupport.campaign.gov.uk/?utm_campaign=it_still_matters&utm_medium=social&utm_source=twitter&utm_content=2022_launch_070222)<https://enough.campaign.gov.uk/>

<sup>10</sup> 11 individuals and organisations were granted extensions of up to 14 days either on the grounds of accessibility of exceptional coronavirus-related pressures during the consultation period

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- enshrining the Victims' Code in law.
- considering additional entitlements for victims.
- improving oversight mechanisms of agencies so that victims are consistently treated in the way in which they are entitled.

We also consulted on how to improve aspects of victim support services, asking about:

- increasing the Victim Surcharge to make offenders pay more towards these services.
- strengthening coordination and partnership working to deliver more joined-up community-based services.
- improving support from ISVAs and IDVAs.

### **Analysis of responses**

We received 602 responses to the consultation: 431 were received via the online consultation portal and 171 were received via email.

We conducted a qualitative analysis of responses, identifying key themes and their respective frequency for each question. We also co-organised and/or facilitated 39 engagement events for frontline

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professionals and victims, who discussed relevant consultation themes.<sup>11</sup>

A summary of our response analysis, as well as views and opinions emerging from engagement events, are included throughout this response. The number of respondents as well as main themes are specified for each question. Respondents often mentioned multiple ideas and arguments in response to each question, which is why the number of suggestions is in many cases higher than the number of respondents. All percentages in this document refer to the total number of respondents to each question (not the total number of arguments/suggestions made).

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<sup>11</sup> Events with victims were delivered in partnership with specialist organisations to ensure a diverse range of voices was heard. This included organisations which work specifically with victims of sexual violence and domestic abuse, victims who are women and girls, male victims, victims with disabilities, ethnic minority victims and victims who are children and young people. Roundtables with front-line staff involved at least 4 inspectorates, 16 policing related groups, 3 court-based organisations, 35 commissioning organisations, 18 advocate organisations and 10 community-based services



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Table 1 below shows that responses were received from a wide variety of interested parties, almost half (46%) of which identified themselves as non-professionals (members of the public or victims/survivors).

Type	Freq.	%
Victims	185	31%
Members of the public	89	15%
Academics	13	2%
Frontline staff	58	10%
Police and Crime Commissioners (PCCs)	42	7%
Government departments and agencies	42	7%
Third sector organisations	125	21%
Other/not answered	48	8%
<b>Total</b>	<b>602</b>	<b>100%</b>

The information and insights we gained from the consultation have built on the wealth of knowledge we

have utilised from previous public consultations, such as the VAWG Call for Evidence.<sup>12</sup>

### **The action we commit to take**

We will introduce a wide range of measures within the Victims Bill to send a clear signal that the justice system must deliver justice for victims. The issues raised in the consultation cannot be addressed through legislation alone, and the Bill will sit alongside a package of additional measures.

**We will amplify victims' voices and make sure victims are at the heart of the criminal justice system.**

In the Victims Bill we will:

- **Enshrine the overarching principles of the Victims' Code in primary legislation** and set out key entitlements in secondary legislation. This will send a clear signal about what victims can and

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<sup>12</sup>Tackling Violence Against Women and Girls Strategy – GOV.UK (July 2021) <https://www.gov.uk/government/publications/tackling-violence-against-women-and-girls-strategy>

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should reasonably expect from the criminal justice system.

We will also:

- Introduce a duty in the Victims' Code requiring the Crown Prosecution Service (CPS) to meet with victims in certain cases before a hearing takes place, where the victim is willing to do so.
- **Include information about Community Impact Statements (CIS) in the Victims' Code**, to further promote their use in appropriate cases and amplify the voices of communities impacted by crime.
- Work with the judiciary to seek to introduce a Victims' Code entitlement for Victim Personal Statements in the Mental Health Tribunal, where the release of offenders is being considered, so that victims are able to explain the impact of the crime on them.
- **Give victims the right to attend a parole hearing in full** for the first time, should they wish to and subject to the circumstances of the case and the agreement of the Parole Board.
- **Allow victims to ask questions within submissions to the Parole Board** and require that the Board takes account of these when

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reaching their decision, so that victims' voices are amplified in the process.

**We will strengthen transparency and oversight of criminal justice agencies at local and national level so that victims' experiences support them to engage, and remain engaged with, the criminal justice system.**

In the Victims Bill we will:

- Introduce a duty for relevant criminal justice agencies to collect data and keep under review their compliance with the Victims' Code and to take into account feedback from victims about their experiences, and a duty for Police and Crime Commissioners (PCCs) to take a convening role in monitoring compliance locally so that there can be a better view of how the system treats victims.
- Ensure regular joint thematic inspections by criminal justice inspectorates take place on victims' issues, to create clearer and sharper focus on how victims are treated.
- **Require the Victims' Commissioner to lay their annual report in Parliament** and require relevant agencies and departments to respond to

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recommendations in that report, to enhance scrutiny of the actions being taken.

- **Remove the need for victims of crime to raise a complaint via a Member of Parliament (MP)** before it can be investigated by the Parliamentary and Health Service Ombudsman (PHSO), to simplify the process for victims wanting to escalate complaints against public bodies.

We will also:

- Work with inspectorates to enhance their oversight of victims' experiences and use ratings to improve performance, including more regular inspections of victims' issues and experiences.
- **Simplify complaints processes for victims** by improving agencies' communications and ensuring there are clear and accessible points of contact to help victims both make and progress their complaints.

**We will improve support for victims to cope and recover from the impact of crime and enable them to engage with the criminal justice system.**

In the Victims Bill we will:

- Introduce a joint statutory duty on PCCs, local authorities and health bodies to collaborate when

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commissioning support services for victims of domestic abuse, sexual violence, and other serious violence, so that services are more holistic and better coordinated.

- **Introduce a statutory definition of the role of ISVAs and IDVAs**, accompanied by statutory guidance at a later date, to raise awareness of the roles, encourage certain standards and consistency and support greater collaboration with other agencies.

We will also:

- Increase the **Victim Surcharge by 20%** overall **and require individuals and organisations to pay a higher Surcharge alongside fines**. This will mean that offenders take greater responsibility for the cost of supporting victims and reinforce funding for victim support services, increasing their contribution by up to £20 million per year by 2024/25.
- **Raise the profile and professional standing of advocates**, including through introduction of a non-public register of ISVAs and IDVAs, a network for support providers and an annual report.

## **Devolved administrations**

The areas examined within this consultation document broadly apply to England and Wales, or to England only, for instance where these relate to health and care, education and local authorities that are devolved matters in Wales.

As we move forward with a package of legislative and non-legislative proposals, we will continue to discuss them with the Welsh Government. In the normal way, the Government of the United Kingdom will seek a legislative consent motion for any legislative measures that may impact or fall within the legislative competence of the Welsh Parliament/Senedd Cymru.

The matters dealt with in this consultation are generally devolved to the Scottish Parliament and Northern Ireland Assembly, with the exception of the removal of the MP filter for complaints by victims of crime to the PHSO which is a reserved matter. We will continue to discuss with the Scottish Government and Northern Ireland Department of Justice whether any legislative measures should also apply to Scotland and Northern Ireland respectively.

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A Welsh language response to the consultation is available at: <https://www.gov.uk/government/consultations/delivering-justice-for-victims-a-consultation-on-improving-victims-experiences-of-the-justice-system>.

### **Accessibility**

For all consultations, the Ministry of Justice gives due consideration to the needs of our audience and we take whatever action we can to improve reach and accessibility.

A Large Font version of this response can be found here: <https://www.gov.uk/government/consultations/delivering-justice-for-victims-a-consultation-on-improving-victims-experiences-of-the-justice-system>. The British Sign Language and Easy Read versions of this response will be available shortly.



## **Chapter 1 – Meeting victims' expectations**

We are determined to bring about a cultural shift so that victims' experiences are central to the way that our society thinks about and responds to crime. When a victim reports a crime, they should rightly expect to see justice served. We want to empower victims so that they are able to have more confidence in the criminal justice system and remain engaged in the process, enabling more offenders to be brought to justice.

We want to ensure that all victims are treated in the way that the Victims' Code requires of listed agencies. We know how important it is for victims to be kept informed during the progress of their case and we want to ensure that their voices are amplified and heard in the criminal justice system.

To deliver on these objectives, we consulted on how to best meet our commitment to enshrine the Victims' Code in law to ensure that every professional working with victims and victims themselves are aware of what their entitlements are.

## **Delivering justice for victims:** consultation response

We also consulted on how to enhance the way criminal justice agencies treat victims – in particular, considering improvements to communications from the Crown Prosecution Service (CPS), the police and other agencies, victim engagement in the parole process, the use of Community Impact Statements (CIS) and the use of Victim Personal Statements in the Mental Health Tribunal.

This chapter discusses how we will:

- **Enshrine the Victims' Code in law** and make information about the Code more widely available and accessible – sending a clear signal about what victims should expect from those working within the criminal justice system.
- Improve what victims can expect from the criminal justice system – including through:
  - Increased communication between victims and the CPS.
  - Promoting the use of CIS.
  - Amplifying the voice of victims in the parole process and in the Mental Health Tribunal.
- **Continue to address wider issues raised**, including on restorative justice, anti-social

behaviour, migrant victims, and legal representation for victims.

### **Enshrining the Victims' Code in law**

The minimum levels of service that victims can and should expect from criminal justice agencies are set out in the Victims' Code. This includes expectations of the police, the CPS, Her Majesty's Courts and Tribunals Service (HMCTS) and Her Majesty's Prison and Probation Service (HMPPS).

We know that agencies are working hard to embed the Code but we also know there is more to do. Office for National Statistics' (ONS) data shows that only 18% of victims recalled being given the opportunity to make a Victim Personal Statement, and only 45% felt that the police and other criminal justice agencies kept them informed.<sup>13</sup>

There have long been calls for the Government to place the Victims' Code on a statutory footing to ensure that the entitlements of the Code are delivered

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<sup>13</sup>Experience of the criminal justice system for victims of crime, England and Wales, year ending March 2020; Office for National Statistics, GOV.UK

to victims. We therefore consulted on how to place the Code into primary legislation to send a clear signal to all listed agencies that they must comply with it. We consulted on placing the key principles of the Code in primary legislation, and the detail in accompanying regulations and/or guidance.

We consulted on placing the following key principles on the face of the Bill:

- **Ensuring victims are informed** – to ensure that victims can fully understand the criminal justice process, criminal justice agencies must pay due consideration to providing victims with the information they need throughout the entirety of their case, from reporting through to post-conviction.
- **Ensuring victims are supported** – although victims do not have to report a crime to access support, when they do, the Code stipulates that victims must be referred to a service that helps them cope and recover, supported during their journey at court and assessed as to whether they

need any specialised assistance, such as eligibility for special measures.<sup>14</sup>

- **Ensuring victims have their voices heard** – victims must have their voices heard in the criminal justice process and be offered the opportunity to make a Victim Personal Statement to explain how the crime has had an impact on them.
- **Victims' right to review** – victims should be able to challenge decisions that directly impact them, and the Code specifies that they have the right to ask for a review under the National Police Chiefs' Council (NPCC) or CPS Victims' Right to Review Schemes, which allow complainants to request a review of certain decisions not to pursue a prosecution or to stop a prosecution.

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<sup>14</sup>Special measures are a series of provisions that help vulnerable and intimidated witnesses give their best evidence in court and help to relieve some of the stress associated with giving evidence. More information is available here: <https://www.gov.uk/going-to-court-victim-witness/extra-protection-in-the-courtroom> and here: <https://www.cps.gov.uk/legal-guidance/special-measures>

### You said:

We asked whether the four key principles above are the right ones to enshrine in law. Of 289 respondents, 161 (56%) **agreed with the key principles of the Victims' Code** set out in the consultation. Victims who were engaged with directly during the Government's engagement events also broadly agreed that the principles outlined the basic support needs of victims.

Many organisations were particularly in favour of the key principle of ensuring that victims are supported. For example, the Equality and Human Rights Commission (EHRC) welcomed that "the Government [has] recognised the particular importance of providing the right support to victims of traumatic crimes such as domestic abuse, sexual violence and other forms of serious violence".<sup>15</sup>

128 respondents (44%) **were in full or partial disagreement with the principles**. 81 respondents

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<sup>15</sup>Response to the Ministry of Justice Victims' Bill consultation, Equality and Human Rights Commission (February 2022), <https://www.equalityhumanrights.com/en/legal-responses/consultation-responses>

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(28%) believed some principles were missing and 11 respondents (4%) suggested that the principles set out were wrong. Reasons given by those who believed the principles were wrong, included:

- The definition of a victim being too narrow, insufficiently representing some groups.
- A disproportionate focus on support services rather than criminal justice agencies.
- A disproportionate focus on victims who report crime.
- Some responses suggested that the attempts to “simplify” the Code had led to a dilution or a reduction of certain entitlements.

**Some respondents proposed additional principles** to be placed on the face of the Bill, including entitlements for appropriately commissioned and funded services, entitlements around victim complaints and accountability, entitlements around victim involvement in the design of service and an entitlement to accessible information and support, among other things. Many of these issues are addressed later in this consultation response. We will continue to keep the detail of victims’ entitlements in the Code under review.

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A general concern emerging from responses, including from those who thought the principles were the right ones, regarded the Code's implementation. Respondents pointed to implementation challenges including on resources or accountability.

**Of 245 respondents, 244 (99%) agreed that there was more that the Government and agencies should do to ensure that frontline professionals are aware of the Code and compliant with it.**

Respondents provided (multiple) suggestions, including:

- 181 suggestions (made by 74% of respondents) to improve monitoring and compliance of the delivery of the Code. Specifically, respondents proposed more and better training for front-line staff, clearer guidelines to monitor compliance and penalising non-compliance.
- 72 suggestions (made by 29% of respondents) to improve communication and messaging about the Code.
- 65 suggestions (made by 27% of respondents) to improve Code compliance, including strengthened resourcing and funding for front-line services and hiring more diverse and representative staff in



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front-line services to enable better support for victims.

Practitioners we directly engaged with agreed that general awareness of the Code varied among frontline professionals, with some knowing it well and others not at all. Recommended areas for improvement were increased training opportunities and the use of more centralised resources across agencies, such as guidance.

Victims we spoke to directly at engagement events echoed the importance of ensuring implementation is effective. They specifically emphasised that the onus to ensure delivery of the Code's entitlements should not be placed on victims who may not feel confident in challenging their treatment. Instead, the Code should place more clear requirements on listed agencies to ensure that victims are aware of and understand their entitlements.

**Of 210 respondents, nearly all (208) also agreed more should be done to ensure that victims and the wider public are aware of the Code.**

Respondents put forth different approaches to improving Code awareness:

- 149 suggestions (made by 71% of respondents) were about improved public messaging about the Code. In particular, respondents proposed that information about the Code should be more widely available to victims or more accessible, by better explaining the Code to victims, and/or by providing multiple and accessible formats of the Code.
- 58 suggestions (made by 28% of respondents) related to training and guidance on the Code for professionals to enable them to better support victims in understanding their entitlements. Proposals ranged from mandatory inductions to cross-agency training.
- 20 suggestions (made by 10% of respondents) mentioned penalising agencies that fail to inform victims about the Code.

Practitioners we engaged with directly agreed that most victims were unaware of the Code and their entitlements. Practitioners echoed the call for media campaigns to improve public awareness of the Code.

## **Delivering justice for victims: consultation response**

They also suggested user friendly resources for victims and referring to the Code in all communications with victims.

Victims we engaged with mirrored these recommendations, as well as emphasising the need to improve accessibility of the Code. They recommended ensuring the Code is available in a range of formats and that communications regarding the Code are accessible and inclusive for all potential users.

### **We will:**

**We will place the key principles of the Victims' Code as set out above into law in the Victims Bill.**

This will send a clear signal to all listed agencies that they must comply with delivering the Code and to all victims so they understand what they should receive.

We consider that these strike the right balance for confirming the key principles for entitlements to information, being heard and challenging decisions within the criminal justice system and for being supported within and outside the criminal justice system, while retaining important flexibility to update specific entitlements without the need for primary legislation. Along with action to improve oversight of criminal justice agencies responsible for delivering the

Code as set out in chapter 2, placing the principles into law will strengthen compliance and make sure that victims receive the services they are entitled to.

**We will set out the 12 overarching entitlements from the Code in Regulations.** This will ensure that legislation allows us a degree of flexibility to strengthen the specific minimum expectations in the Code if the needs of victims lead to changes in policies and practices in the future. We will continue to provide a user-friendly Victims' Code to provide more detail about entitlements for victims and explain how these will work in practice.

**We will develop a communications plan to ensure all criminal justice practitioners and all victims understand the level of service victims should receive at every step of their criminal justice journey.** We recognise that more needs to be done to raise awareness of the Code among practitioners and the public and we will work to make information about the Code more widely available and more accessible. We will build on the work agencies did to prepare for implementation of the revised Code last year to develop a further sustained plan to raise awareness among practitioners. Where necessary, the plan will

take into account how we might raise awareness among particular categories of victim, for example child victims.

### **Improving what victims can expect from the criminal justice system**

We know that victims don't always feel adequately supported or well informed by criminal justice agencies.<sup>16</sup> Victims expect that when they report a crime, they will see justice done. They need to be confident that they will be provided with timely information about the progress of their case, as well as being treated with sensitivity and care by criminal justice agencies.

We therefore consulted on whether additional support and entitlements should be provided to victims to ensure that their voice is heard and where interactions

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<sup>16</sup><https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/adhocs/13635experienceofthecriminaljusticesystemforvictimsofcrimeenglandandwalesyearendingmarch2009toyearendingmarch2020/awarenessofthevictimscodfinaloctoberreview.xlsx>

between victims and criminal justice agencies need to be strengthened.

We consulted on:

- **Informing victims and taking account of their views.** We asked whether the current communication from the police and CPS works for victims and whether more in practice should be done to take victims' views into account. In particular, we asked whether there should be a more explicit requirement for the relevant prosecutor in a case or in certain types of cases to have met with the victim before the charging decision, and before a case proceeds to trial.
- **Community Impact Statements (CIS).** We asked for information about the benefits and costs of CIS and examples of where they have been used successfully.
- **Victim engagement in the parole process.** We asked whether more can be done to allow victims to be more engaged in the Parole process.
- **Victim Personal Statements in the Mental Health Tribunal.** We asked whether victims should be able to submit a Victim Personal Statement where their case is heard in the Mental Health

## **Delivering justice for victims: consultation response**

Tribunal, explaining the impact of the crime when the offender's detention is being reviewed.

These issues will best be addressed by building on existing entitlements in the Victims' Code. As well as setting out the key entitlements in Regulations, the Code will continue to provide a victim focused explanation of these entitlements and include more detail of how these will work in practice.

**We will consult on an enhanced Victims' Code once the new Bill is in force**, but we have set out where we intend to make changes to it in the remainder of this chapter.

### **1. Informing victims and taking account of their views**

#### **You said:**

*Communication between criminal justice agencies and victims*

Of 167 respondents, **156 (93%)** indicated that the **current timing and methods of communication between criminal justice agencies and victims do not work.**

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We asked what changes could improve communication with victims. 142 respondents provided a variety of opinions and ideas:

- 108 suggestions were made (by 64% of respondents) to improve communication and the treatment of victims by the police and CPS. Specifically, 66 suggestions (made by 38% of respondents) mentioned that information about key decisions should be more easily available to victims, with more frequent updates and clearer timescales from criminal justice agencies. 38 suggestions (made by 22% of respondents) argued that victims should be treated with greater respect and sensitivity, with better training for the police and CPS and better feedback mechanisms for victims. 26 suggestions (made by 18% of respondents) emphasised that the roles and responsibilities of the police and the CPS in communicating key decisions to victims should be clarified.
- 38 suggestions (made by 23% of respondents) urged that the timing of key decisions from criminal justice agencies must improve, with reduced delays in decision making in the criminal justice system as a whole.



## **Delivering justice for victims: consultation response**

Of 206 respondents, **187 (91%) suggested that the police and CPS should do more to take victims' views into account.** Respondents suggested, among other factors, that greater consideration of the views of victims would ensure victims feel heard and empowered and provide important context for the police and the CPS when taking key decisions.

12 respondents (6%) disagreed that the police and CPS should do more to take victims' views into account. Concerns raised included:

- A risk of compromising the key principles of justice, where decisions are made on objective evidence.
- A risk of retraumatising victims by asking for their views.
- Cost implications of taking victims' views into account.

Of 193 respondents, **145 (75%) recommended that there should be an explicit requirement for the relevant prosecutor to meet with the victim before the charging decision, and before a case proceeds to trial.** Respondents suggested this would help front-line staff (e.g., by providing them with more information to inform their decisions) and improve victims' experiences of the criminal justice system, by

## **Delivering justice for victims:** consultation response

increasing transparency and improving their understanding of decision making and processes.

30 of 193 respondents (16%) suggested that there should only be an explicit requirement in specific types of cases. 18 respondents (9%) disagreed that there should be any explicit requirement, citing the risks of compromising key principles of justice and this requirement being too time consuming or too costly.

Of 101 respondents, **95 (94%) argued that changes should be made to the Code to strengthen communication about the Victims Right to Review scheme.** Those in support of changes put forth the following proposals:

- 45 suggestions were made (by 45% of respondents) to boost public awareness of the Victims Right to Review scheme.
- 31 suggestions were made (by 31% of respondents) changes to improve the procedures which underpin the Victims Right to Review scheme.
- 12 suggestions were made (by 12% of respondents) to increase funding to support victims who launch an appeal.

## **Delivering justice for victims: consultation response**

- 11 suggestions were made (by 11% of respondents) to improve training on the Victims Right to Review scheme for relevant criminal justice agencies.

### **We will:**

We recognise that victims do not currently feel that they are engaged with regularly and sensitively by criminal justice agencies or that their voices are heard throughout the process. We also understand that it can be a daunting process and we want victims to be kept informed about what is happening and what to expect.

We will introduce a duty in the Victims' Code requiring the CPS to meet with victims in certain cases before a hearing takes place, where the victim is willing to do so.

We know that the CPS are committed to improving the quality and timeliness of their communication with victims. The CPS recently commissioned independent research into what victims need from them to inform their plans to develop an improved approach that is more reciprocal, proactive, and which better fits the needs of diverse communities and victims within the criminal justice system.

## **Delivering justice for victims: consultation response**

We will work closely with the CPS and Attorney General's Office (AGO) to build on their plans to improve communication and engagement with victims and to extend the existing entitlements in the Code to reflect this new duty.

### **We will review the information in the Code about the Victims' Right to Review schemes.**

The Code sets out the existing entitlement to ask for a review of a police or CPS decision not to prosecute, or a CPS decision to stop the case, under the National Police Chiefs' Council (NPCC) or CPS Victims' Right to Review Schemes. However, we recognise that there should be improvements to how victims are made aware of these schemes to better enable access to them.

**We will work with police forces to share good practice in communicating with victims.** We know that some police forces are exploring new and innovative ways to deliver on the requirement in the Victims' Code for the police to explain to victims where they can get more information about the criminal justice process and their entitlements as a victim, including the Victims' Right to Review. We will work with them to promote and share good practice.

**We recognise the concerns raised in some consultation responses about the impact of current delays in the criminal justice system and we are delivering a range of measures to reduce these.** 30 Nightingale courtrooms have been extended beyond March 2022 and we are expanding plans for judicial recruitment to secure enough capacity to sit at the required levels in 2022/23 and beyond. We are legislating in the Judicial Review and Courts Act 2022 to give the Crown Court more flexibility to return cases to the magistrates' courts, reducing demand in the Crown Court. We are extending magistrates' court sentencing powers from 6 to 12 months' imprisonment for a single Triable Either Way offence to allow more cases to be heard in the magistrates' court. We are also including measures in the Police, Crime, Sentencing and Courts (PCSC) Act 2022 so that remote hearings can continue to be used in criminal proceedings. The PCSC Act 2022 also contains measures to enable the ongoing public observation of hearings, strengthening the principle of open justice.

## **2. Community Impact Statements**

### **You said:**

Community Impact Statements (CIS) can allow communities to explain to the court and the offender how a crime has affected them. This provision is not included in the current Victims' Code and we do not believe they are widely used. We asked for more information about the use of CIS to effectively amplify the voices of wider communities.

Of 102 respondents, **56 (55%) supported the use of CIS, while 39 respondents (38%) indicated that they should only be used in certain types of cases**, including cases of anti-social behaviour, public nuisance, organised crime, and hate crime.

**Feedback suggested that awareness and use of CIS is not widespread**, with an additional 53 respondents indicating that they had never heard of this mechanism to amplify the voices of victims and communities.

**We asked about the benefits and advantages of wider use of CIS.** 113 suggestions were made, including that CIS highlight the broader effects of crime, empower those impacted by crime, provided

## **Delivering justice for victims: consultation response**

context to decision making and highlight local priority concerns.

**On the risks and costs of the wider use of CIS,** respondents shared 53 suggestions, including a risk of misrepresenting crime, a risk of retraumatising victims and a risk that the use of CIS would be too time consuming and costly for the police.

**We will:**

**We will use the Victims' Code to promote the use of CIS in appropriate cases to ensure that the wider impacts of crime are understood by the police, the CPS and the court.** We have heard how CIS have been used effectively in crimes of anti-social behaviour, hate crime, burglary and assaults against emergency workers. Many of these cases are neighbourhood crimes which, when left unaddressed, can have a corrosive impact on victims, neighbourhoods and communities.

We know that CIS are already in place for some of these cases, but we want to increase their use to amplify victims' voices in the system and make communities feel safer and more secure in their neighbourhoods. We will work with operational partners such as the CPS, the police and the National

Crime Agency to develop our understanding of how this will work in practice, so that we can provide more information about CIS in the revised Code. This will include further consideration of the issues raised in consultation, including the relevant cases for their use, operational impacts of any changes and appropriate safeguarding for victims.

### **3. Victims engagement in the parole process**

#### **You said:**

Of 172 respondents, **163 (95%) agreed that changes to the parole board process are needed to improve victim engagement.** Those who agreed made a variety of suggestions on possible changes, including:

- 71 suggestions (made by 41% of respondents) stating that information on, communication around, and awareness of, the parole process and parole decisions should be improved for victims.
- 65 suggestions (made by 38% of respondents) related to increased victim participation in parole hearings.
- 56 suggestions (made by 22% of respondents) about better supporting victims before and during



the parole process and about opening parole hearings to victims and the wider public.

### **96 respondents cited possible advantages of increasing victim engagement in parole processes, including:**

- Making victims feel heard and empowered (49 suggestions, made by 51% of respondents).
- Increasing victims' trust in the parole process (16 suggestions, made by 17% of respondents).
- Increasing the amount of evidence available to parole decision-makers (14 suggestions, made by 15% of respondents).
- Improving victims' understanding of the parole process (12 suggestions, made by 13% of respondents).

### **77 respondents specified potential risks to involving victims in parole processes, including:**

- The re-victimisation or re-traumatisation of victims (24 suggestions, made by 31% of respondents).
- Compromising key principles of justice, i.e. parole decisions should be based on objective evidence of rehabilitation (20 suggestions, made by 26% of respondents).

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- Confidentiality and safety issues for victims (19 suggestions, made by 25% of respondents).

### **We will:**

#### **We will amplify the voice of victims as part of the parole process, as committed to in the Government's Root and Branch Review of Parole.**

The Government published the review on 30 March 2022,<sup>17</sup> which set out the reforms that will be introduced to improve victims' experiences of parole.

We used the consultation to ask whether there should be greater victim participation in parole hearings and you told us overwhelmingly that there should be. Accordingly, we have announced our intention to change the statutory release test that the Parole Board must apply when considering cases. The revised criteria will include a requirement for the Parole Board to take account of the views of the victim when reaching their decision. This will be facilitated by allowing victims to make written submissions to parole panels in addition to their Victim Personal Statement. Victims may also use their submissions to ask any

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<sup>17</sup>The Root and Brand Review of Parole – GOV.UK (March 2022) <https://www.gov.uk/government/publications/root-and-branch-review-of-the-parole-system>

questions about any aspects of the case that are important to them.

We also recognise that it is important to keep victims fully informed about every stage in a prisoner's sentence and so we will review the information given to victims to examine what further information can be shared with victims and how this can be communicated.

### **4. Victim Personal Statements in Mental Health Tribunal**

#### **You said:**

**Of 192 respondents, 176 (92%) agreed that victims should be allowed to submit a Victim Personal Statement when an offender's detention is being reviewed by the Mental Health Tribunals.**

These respondents cited reasons in support of their position, including:

- 78 suggestions (made by 41% of respondents) that the use of Victim Personal Statements will help ensure that victims of offenders in the mental health system receive the same entitlements and

## **Delivering justice for victims: consultation response**

level of support afforded to other victims of the same crime.

- 44 suggestions (made by 23% of respondents) that the use of Victim Personal Statements would help victims feel heard and empowered.
- 35 suggestions (made by 18% of respondents) that Victim Personal Statements provide important information and context for decision-makers.
- 26 suggestions (made by 14% of respondents) that these offenders should be treated the same as offenders in the prison system.

**Of the 192 respondents mentioned above, only 16 (8%) partially or fully disagreed with allowing Victim Personal Statements to be given at Mental Health Tribunals.** These respondents gave reasons including that these offenders should be treated differently to other offenders, that Victim Personal Statements have a limited impact on medical assessments and that the use of Victim Personal Statements could introduce a punitive element that would hamper the offender's recovery.

**We will:**

**We will work closely with our partners to consider how we can sensitively and appropriately make**

**provision in the Code for Victim Personal Statements to be submitted to Mental Health Tribunals.** You told us that victims of offenders whose release is being considered by a Mental Health Tribunal should be allowed to make and submit a Victim Personal Statement to describe the impact of the crime and help them feel their voices are heard. But we know that there are particular sensitivities in Mental Health Tribunals which are different to those in the prison and parole system. We will work through these concerns with criminal justice agencies, the National Health Service (NHS) and the judiciary to consider if there are ways to develop a new option for the revised Code.

### **Other issues raised on victims' expectations**

Some respondents, including the Victims' Commissioner and the Domestic Abuse Commissioner, took the opportunity to raise additional topics and issues about entitlements for victims. We have set out below how some of these issues are being addressed across government.

## **1. Restorative justice**

### **You said:**

We heard from the All-Parliamentary Party Group (APPG) for Restorative Justice that **wider use of restorative justice has a role to play in encouraging a cultural shift in how society thinks about victims of crime** by empowering the victim to communicate directly with the defendant/offender.

### **We will:**

**We will make information about restorative justice more consistently available for victims of crime.**

We agree that in some cases, restorative justice can help victims to recover and perpetrators to understand the impact of their crimes, helping to reduce the risk of reoffending. That is why we have already made access to information about restorative justice an entitlement in the Code. To make this information more readily available, we will conduct a pilot to understand where there are gaps in provision. We will use the learnings from this pilot to make access to restorative justice more consistent.

## **2. Anti-social behaviour**

### **You said:**

We heard from the Victims' Commissioner and some responses that **more can be done to help victims of anti-social behaviour.**

### **We will:**

**We are continuing to provide support to victims of anti-social behaviour.** Where anti-social behaviour meets the criminal threshold, those victims are covered by the Victims' Code and can be referred to support services. For those who suffer persistent anti-social behaviour that does not reach that level, there are powers to tackle anti-social behaviour, and the relevant statutory guidance for frontline professionals states that Police and Crime Commissioners (PCCs) should consider signposting victims to relevant support services.

Separately, the Government is investing £50m from the Safer Streets Fund every year of the current Spending Review period until March 2025 to give PCCs and local authorities in England and Wales the resources they need to tackle crime and anti-social behaviour. Through this, by 2030, we will have

reduced homicide, serious violence and neighbourhood crime, especially in the worst-affected areas.

### 3. Migrant victims

#### You said:

We heard the Victims' Commissioner's and other responses that **insecure immigration status is often a tool of control used by perpetrators** to abuse their partners and threaten them with removal from the UK.

#### We will:

**We will continue work to ensure that migrant victims feel able to report crimes and access support**, regardless of their immigration status.

Migrant victims may not report crimes such as domestic abuse and sexual violence because of their immigration status.

Last year, the Home Office launched the Support for Migrant Victims Scheme to support victims ineligible for the Destitution Domestic Violence Concession or other avenues of support, backed by £1.5 million of Government funding. The 12-month pilot has provided



wraparound support services for victims of domestic abuse with no recourse to public funds, including accommodation, subsistence and counselling, and allows us to build our evidence base to inform future policy decisions. The final evaluation report will be published in Summer 2022 and the Home Office will provide £1.4 million in 2022–23 to continue to support migrant victims of domestic abuse.

The Home Office will also introduce an Immigration Enforcement Migrant Victim Protocol in late Summer 2022. The Protocol will assure that migrant victims who report a crime will have relief from immigration enforcement action while criminal proceedings are underway and are supported to make an application to regularise their stay in the UK.

### 4. Legal representation for victims

#### You said:

We heard the Victims' Commissioner and other responses **call for victims to be provided with free legal advice** from a qualified lawyer, particularly in relation to understanding requests for information disclosure.

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We also received responses calling for **non-means tested public funding to be made available to bereaved families at inquests** where public bodies are represented.

### **We will:**

**We are consulting practitioners on how to enhance support for victims of rape and serious sexual offences who are subject to personal information requests, as committed to within the End-to-End Rape Review Action Plan.** This change will enable victims to better understand and challenge information requests from the police and prosecutors for digital and third-party material. Ultimately, we want these requests to be right first time for victims. We have a broad package of work to ensure disclosure requests are proportionate to help achieve that aim, including updates by the AGO and CPS on disclosure guidance, including digital material, the PCSC Act 2022 which put safeguards around digital information extraction from victims' devices and the Home Office consultation on options to improve the proportionality and timeliness of police third-party material requests (such as medical, education or local authority records).

**The Government has also worked on several measures to meet the needs of bereaved families.**

Legal aid for representation at inquests can only be accessed through the Exceptional Case Funding scheme, which provides legal aid where there would be a breach of the European Convention on Human Rights (ECHR) if legal aid was not available, or where the provision of representation at the inquest is likely to lead to significant wider public interest benefit. The Government has recently removed the means test for successful applications for representation through the Exceptional Case Funding scheme. We are currently consulting on the means test review and are proposing to remove the means test for legal help in relation to any inquests where there is a potential human rights breach, or significant wider public interest. The Government has also introduced wider measures to support bereaved families including refreshing guidance for coroners, lawyers and those representing government departments at inquests. There are several measures in the Judicial Review and Courts Act aimed at improving the experience of bereaved families at inquests.

## **Chapter 2 – Improving oversight and driving better performance**

It is our aim to ensure that criminal justice agencies consistently deliver justice and an improved experience for victims, and that there are appropriate and effective oversight mechanisms in place to enable a clear understanding of how well the system is working.

We want victims to trust the agencies that are there to help them, and trust in the mechanisms that are there to hold those agencies to account when things go wrong.

This consultation asked questions about how the current oversight mechanisms and systems could be strengthened at national and local levels, how agencies can be effectively incentivised and held to account for their treatment of victims, and how we can effectively learn from better data and direct victims' feedback on the services they are provided with. We also asked questions about how complaints

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processes could be strengthened to make them more easily navigable and transparent.

We are already working hard to increase transparency across the criminal justice system through published scorecards. These measure victim engagement, where victims feel able to continue participating in their case as it is progressed by agencies through the criminal justice system. They also monitor data on things that we know matter to victims, like the time it takes for cases to get through the system. Recently published local scorecards give us a more granular view, allowing us to increase understanding of the criminal justice system and support collaboration, particularly at a local level through Local Criminal Justice Boards (LCJBs).

We are now committing to going further. We want to tackle the systemic issues that lead to victims being poorly treated.

This chapter discusses how we will:

- **Improve oversight mechanisms and structures and the improved treatment of victims** by giving Police and Crime Commissioners (PCCs) and agencies a duty to monitor local Victims' Code compliance and to take into account victim

## **Delivering justice for victims: consultation response**

feedback; increase the focus on victims in inspections of criminal justice agencies; and make changes to the role of the Victims' Commissioner.

- **Embed the victims' voice into the criminal justice process** by placing a duty on relevant criminal justice agencies and PCCs to take into account feedback from victims to contextualise and add to Code compliance data.
- **Simplify complaints processes for victims of crime and increase transparency of complaints data** by removing the requirement for Members of Parliament (MPs) to filter complaints by victims to the Parliamentary and Health Services Ombudsman (PHSO) and improving communication with victims about the complaints process and reporting on complaints.

## **Improve oversight mechanisms and structures and ensure improved treatment of victims**

### **1. Monitoring the Victims' Code**

Criminal justice agencies work hard to collect performance data, identify issues and address

potential problems with victims' experiences. But the criminal justice system is a complex landscape where responsibility is spread across different operationally independent partners. This means that it can be challenging to establish how well the system is working for victims. As our consultation set out, most agencies do not systematically collect data on victims, including how well the Victims' Code (the Code) is delivered. And we know that victims don't always think that they are receiving the level of service they are entitled to. In 2019/20, 45% of victims felt that the police and other criminal justice agencies kept them informed, and only 18% of victims recall the opportunity to make a Victim Personal Statement.<sup>18</sup>

PCCs are elected by the public to deliver an efficient and effective police service within their force area, and as part of that, have a vital role in improving and championing services for victims. They do this directly through their commissioning of support services, and indirectly by offering local democratic accountability and chairing LCJBs in many areas.

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<sup>18</sup>Experience of the criminal justice system for victims of crime, England and Wales, year ending March 2020; Office for National Statistics, GOV.UK

### **You said:**

**Of 172 respondents, 167 (97%) agreed that greater local inter-agency collaboration is needed to better deliver an improved experience for victims and to monitor compliance with the Code. These respondents provided multiple recommendations, including:**

- 95 suggestions (made by 55% of respondents) were made regarding ways to improve communication and information sharing between agencies through regular joint-agency meetings to discuss delivery of the Code, clearer guidelines for data sharing, standardised information sharing systems and/or statutory duties.
- 41 suggestions (made by 24% of respondents) were made that an improved understanding of victims' experiences would facilitate better collaboration across agencies to facilitate agencies.
- 34 suggestions (made by 20% of respondents) to adopt new mechanisms and procedures to facilitate Code compliance, including clearer guidelines around compliance, increased power of PCCs to hold local support services accountable,



## **Delivering justice for victims: consultation response**

and complaint and feedback mechanisms to identify gaps in joint service provision.

- 21 suggestions (made by 12% of relevant responses) to improve cross-agency planning and accountability.

**Of 136 respondents, 129 (95%) agreed that agencies should be encouraged to consistently share data at local and national levels to monitor compliance with the Code. Those in favour of data sharing, made multiple suggestions about how this could be achieved:**

- 42 suggestions (made by 31% of respondents) highlighted the need for better data, including a centralised data management system and improved consistency of data.
- 40 suggestions (made by 29% of respondents) emphasised statutory/regulatory changes to facilitate better inter-agency data sharing, for instance clearer guidelines and data sharing protocols and/or a statutory duty to share data.
- 34 suggestions (made by 25% of respondents) were in favour of using shared oversight and accountability mechanisms to enforce better inter-agency data sharing.

## **Delivering justice for victims: consultation response**

- 23 suggestions (made by 17% of respondents) suggested that more joined-up or partnership working is needed.

**Of 143 respondents, 133 (93%) agreed that PCCs should have a role in supporting victims, offering multiple viewpoints on what that role should be:**

- 65 suggestions (made by 45% of respondents) pointed to a leading role for PCCs in commissioning.
- 44 suggestions (made by 31% of respondents) indicated that PCCs should identify victims' support service needs.
- 50 suggestions (made by 35% of respondents) emphasised PCCs' role in monitoring delivery of victim support services.
- Other suggestions included PCCs funding of local support services, PCCs' advocating for victims, and PCCs' role in establishing feedback processes for victims and complaint procedures.

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To deliver the above-mentioned functions, 56 respondents provided a variety of suggestions, including:

- 26 suggestions (made by 18% of respondents) for increased statutory powers for PCCs to monitor and enforce compliance with the Code.
- 14 suggestions (made by 10% of respondents) for greater funding/resources.
- 5 suggestions (made by 3% of respondents) for PCCs to have greater autonomy to manage their funding.

The Victims' Commissioner also supported these views, stating that "PCCs should be given the statutory duty to monitor compliance with the Victims' Code at the local level and be given the statutory power to request data from criminal justice agencies as listed in the Code".

### **We will:**

PCCs already play a key role in informally bringing together agencies to monitor the Code. Many consultation respondents told us that the role of PCCs should be sharpened in this regard, and more should be done to enforce better monitoring of the Code.

**We will therefore place a duty in the Victims Bill on the relevant criminal justice agencies (the police, the Crown Prosecution Service, HM Courts & Tribunals Service, Youth Offending Teams and HM Prison and Probation Service) to collect data and keep under review their delivery of the Code.**

This will be underpinned by regulations setting out what data should be collected and shared. This will help provide consistency across England and Wales, building a national picture of delivery of the Victims' Code across the criminal justice system, whilst allowing for local areas to tailor arrangements to best meet their particular arrangements.

**We will require that PCCs take a convening role in monitoring compliance** by chairing regular discussions at appropriate forums (which will mostly likely be LCJBs in practice) to discuss the data, and we will require that this is discussed alongside feedback from victims. Please note that the requirement to consider victim feedback is subject to consultation with the Information Commissioner's Office.

We also intend to publish the data that emerges from this exercise and will work to develop new metrics for

the local criminal justice scorecards. This data will be monitored at a national and local level by cross-criminal justice system governance structures, ensuring we can generate insights into disparities, and enable the sharing of best practice to help local criminal justice agencies drive improvement.

The above process will provide an improved national framework overseeing Code compliance. Local data may also help ministers and the inspectorates consider where further scrutiny could be focused.

**We will transfer the function of reviewing the operation of the Code from the Victims' Commissioner to PCCs, to strengthen local responsibility.**

The Victims' Commissioner is a body which advocates for all victims at a national level and encourages improved practice in their treatment in the criminal justice system. It is not a local level agency and does not have the necessary structures or framework to engage locally. The need to improve agencies' accountability for their treatment of victims must be made at both a national and a local level.

In line with the duty we are imposing on relevant agencies to monitor Code compliance, and the heightened role of PCCs in driving improved experiences for victims, we will relieve the Victims' Commissioner of the function to review operation of the Code at a local level. The Victims' Commissioner will still be able to engage on Code compliance at a national level.

In developing the above legislation, we will be mindful of the operational independence of our criminal justice partners, the constitutional independence of the judiciary, and the key constitutional principle of independence in decision-making by prosecutors.

## **2. The role of the Victims' Commissioner**

The Victims' Commissioner is a powerful voice for victims, appointed by the Secretary of State but independent from government. The Victims' Commissioner's functions are set out in statute and include promoting the interests of victims and witnesses, encouraging good practice in the treatment of victims and witnesses, keeping the operation of the Code under review, publishing an annual report and advising Ministers when asked to do so.

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However currently the Office for the Victims' Commissioner say they do "not have sufficient powers to carry out [her] duties effectively". There is no requirement for agencies to provide the Victims' Commissioner with data or respond to any recommendations that they make. This differs to the Domestic Abuse Commissioner, whose role was put on a statutory basis through the Domestic Abuse Act, which (under section 16 of the Act) requires specified public authorities and government departments to publish a response to recommendations made by the Domestic Abuse Commissioner. We wanted to gather views in the consultation on the most critical functions to enable an effective Victims' Commissioner.

### **You said:**

**Of 151 respondents, 96 (64%) described the support of and advocacy for victims as a key role of the Victims' Commissioner. There was an emphasis on raising awareness of victims' issues, maintaining open and transparent communication with victims and identifying victims' support needs. Other important functions highlighted by respondents included:**

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- Engaging with victim services, for instance to encourage good practice and data-sharing, and by convening regular stakeholder meetings.
- Reviewing and implementing the operation of the Code, including recommending changes to the Code, gathering and collating victims' feedback, and reporting implementation challenges and weaknesses of agencies' compliance to the Government.
- Enforcing compliance by service providers.

### **The Victims' Commissioner called for further reinforcement of the role, including by:**

- Providing adequate resource to monitor and review the operation of the Code.
- Establishing a framework governing how the Victims' Commissioner may access relevant data and conduct a review of the Code.
- Reporting to Parliament on the operation and implementation of the Code.
- An ability for the Victims' Commissioner to consult with other bodies.
- A legal requirement for Criminal Justice agencies listed within the Code to comply with the Victims' Commissioner's work.



### **We will:**

In response to feedback on how to make the Victims' Commissioner as effective as possible, we will make three changes to the role.

**We will require criminal justice agencies, as well as government departments, to respond to the Victims' Commissioner's annual report recommendations.** While the Victims' Commissioner can make recommendations to many agencies and departments, there is currently no duty on those subject to recommendations to respond. Accordingly, we will impose a duty on a specified set of agencies that have central responsibility for providing victims' their entitlements under the Code – to respond to the Victims' Commissioner's recommendations in its annual report, where those recommendations are made against that agency or department. The agency or department will have to respond to the recommendation and publish its comments within 56 days of the publication of the annual report, explaining how they will act upon the recommendation, or how they will do so in future, or provide reasons for why they will not act on the recommendation. The agency or department will also have to arrange for their

comments to be published in a manner they consider appropriate.

**We will require the Victims' Commissioner to lay their annual reports before Parliament.** The Victims' Commissioner is required to prepare an annual report each year. We will place a duty on the Victims' Commissioner to lay their annual report before Parliament each year (noting that the Victims' Commissioner voluntarily laid their most recent annual report in Parliament in July 2021) and publish the report to help raise the profile of victims' issues.

**As outlined in “1. Monitoring the Victims' Code”, we will transfer the function of reviewing the operation of the Code from the Victims' Commissioner to PCCs, to free up the Commissioner's time and resources.**

This will allow the Victims' Commissioner to focus on its other, broader functions of promoting the interests of victims and encouraging better practice by agencies in their treatment of victims. The Victims' Commissioner will continue to play a vital role in improving Code compliance at a national level through their other functions, for example in publishing reports and making recommendations, advising Ministers and

through their role on the National Criminal Justice Board. The Victims' Commissioner will also retain the explicit power to "make recommendations around changes to the Code", as set out in statute.

### **3. The criminal justice inspectorates' focus on victims' experiences and their role in incentivising and supporting agencies to improve**

The work of the criminal justice inspectorates is a critical piece of the puzzle in ensuring that criminal justice agencies treat victims in the way they should. The inspectorates assess victims' experiences in a variety of ways, but we know that improvements could be made. For example, information on victims is not typically collated in a systematic way, nor routinely brought together across inspectorates for overall analysis, except in the case of thematic reports. Approaches to assessment, rating and performance also vary.

We asked if and how inspectorates could be reinforced and improved in relation to victims.

### **You said:**

**We heard that within the current inspectorate frameworks, the inspectorates do not collaborate effectively to prioritise victims' issues.** Of 132 respondents, 119 (90%) indicated this, providing multiple suggestions in support of their position:

- 39 suggestions (made by 30% of respondents) pointed to an insufficient focus on victims, with some respondents saying that frameworks failed to make victims feel heard or empowered and that victims' needs are not met. The Victims' Commissioner's response stated that they do not believe that the current inspectorates' programmes adequately focus on victims' issues, and the Domestic Abuse Commissioner noted "the lack of focus on victims' issues when inspections into the criminal justice system are carried out".
- 22 suggestions (made by 17% of respondents) emphasised poor management and governance structures as an explanation for why inspectorate frameworks do not collaborate effectively – highlighting, among other factors, a lack of clear roles, responsibilities and accountability structures, inconsistent levels of compliance with

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recommendations across the criminal justice system and a lack of a coordinating body or plan.

- 12 suggestions (made by 9% of respondents) indicated that inspectorates' fragmented approach and competing priorities undermine their effective collaboration. Among other things, these responses pointed to the lack of shared objectives, information gaps, inspectorates' specialised focus and short-term and siloed planning.

However, other respondents to the consultation said that the inspectorates do currently focus on victims' experiences sufficiently and collaborate effectively across the criminal justice system. They suggested this is evidenced by: the inspections carried out as part of the core activity of each inspectorate (which look at victims' issues); the current joint inspection business plan, which describes the quality of victim and witness experience as one of the three cross-cutting issues that underpin all joint inspection activity; recent joint inspections on victims, such as those on rape and evidence-led domestic abuse prosecutions; and joint inspections currently planned, such as on meeting the needs of victims in the criminal justice system.

**Of 109 respondents, all agreed that inspectorates could be reinforced to help solve the issues mentioned above.** They put forth various ways of doing so:

- 26 recommendations (24% of respondents) emphasised that inspectorates could engage with victims more during the course of their inspections and focus on victims' experience, for instance through improved process to evaluate performance and effectiveness of and compliance with recommendations, and improved quality and diversity of data.
- 13 recommendations (12% of respondents) named institutional changes, including the creation of a specialised inspectorate body focused on Code compliance/victim services.
- 9 recommendations (8% of respondents) mentioned improved transparency.
- 8 recommendations (7% of respondents) emphasised greater authority for inspectorates.
- 5 recommendations (5% of respondents) were for more resources for inspectorates.

**We also asked questions about how inspectorates collect and report data. 63 out of 69 respondents (91%) agreed that victims' data is not sufficiently**

**collated and reported within current inspectorate arrangements.** 40 responses offered multiple ideas for improvement. This included:

- 15 suggestions (made by 38% of respondents) for inspectorates to be more involved in ensuring a more victim-focused approach among agencies.
- 11 suggestions (made by 28% of respondents) for inspectorates to coordinate data sharing across agencies.
- 8 suggestions (made by 20% of respondents) for inspectorates to oversee and/or facilitate the collation of victims' data.
- 5 suggestions (made by 13% of respondents) for inspectorates to monitor and evaluate victim support.

Some respondents commented that any expansion of inspectorates' powers or mandate should be proportionate and properly resourced. **Of 145 responses, 102 responses (70%) were in full agreement that oversight and support of agencies must be more standardised and consistent,** with a further 34 respondents (23%) agreeing that this could be helpful in principle, as long as other points were considered or added. Suggestions for additional considerations included noting that effective

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standardisation is dependent on funding, that there should be focus on providing good incentives and that there must be a degree of flexibility and adaptability as there is no “one size fits all”. Out of 88 respondents, 81 (92%) agreed that there are oversight mechanisms used in other sectors which could be applied within the criminal justice system as well. In particular, responses highlighted the benefit of introducing stronger monitoring mechanisms (e.g. complaint processes, audits, performance management), stronger enforcement mechanisms, and better regulations on oversight.

**Finally, of 167 respondents, 153 (97%) agreed that there should be consequences for failures in service delivery.** 58 respondents (35%) suggested that both criminal justice agencies and individuals should be held accountable, 55 respondents (33%) suggested that only criminal justice agencies should be held accountable, and 30 respondents (18%) suggested that only individuals should be held accountable.



### **We will:**

We are committing to bolstering the focus that the inspectorates have on victims' experiences, across both core inspections and joint inspections.

**We will use the Victims Bill to ensure that the criminal justice inspectorates conduct regular joint thematic inspections on victims' experiences.**

The criminal justice inspectorates already collaborate to carry out a joint programme of work to address issues that involve more than one criminal justice agency. Working together means that the inspectorates can have a more rounded examination of issues that cut across the whole criminal justice system.

To do so, the inspectorates agree a Criminal Justice Joint Inspection Programme every two years that sets out which inspections they intend to carry out together and what topics they will cover. This programme traditionally includes a number of joint thematic inspections – usually a one-off bespoke inspection visiting several localities to contribute to a single final report on a “thematic” issue (for example, rape investigation and prosecution).

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Consultation responses told us that there should be more focus on victims during inspections. In response, we will now create a power in the Victims Bill for the Home Secretary, Lord Chancellor and Attorney General to direct criminal justice inspectorates to include regular joint thematic inspections dedicated to assessing victims' experiences within their Criminal Justice Joint Inspection Programme.

This requirement will help to strengthen transparency and oversight of criminal justice agencies' performance in relation to victims, improving accountability for those responsible, and ultimately driving an improvement how victims are treated. It will do this by:

- Ensuring there is an enhanced focus on assessing the treatment of victims as part of the inspectorates' assessments.
- Ensuring that the inspectorates collaborate regularly on exploring the treatment of victims.
- Looking robustly at victims' experiences across the whole criminal justice system – covering the end-to-end process rather than just looking at experience in silos.
- Providing the opportunity to thoroughly delve into key victim issues to examine them holistically.

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This will apply to all the criminal justice inspectorates, and as part of these thematic inspections they will be assessing how victims are treated by: police forces; Crown Prosecution Service (CPS) areas; HM Courts and Tribunals Service (HMCTS); and HM Prison and Probation Service (HMPPS). Whilst HMCTS do not have their own dedicated inspectorate, the existing inspectorates do have the power to inspect HMCTS as far as the now abolished HM Inspectorate of Court Administration was able to, and so HMCTS will be included in these regular joint inspections. This will ensure that, as a key provider of services to victims, HMCTS is regularly inspected. The inspectorates will not be empowered to inspect persons making judicial decisions or exercising judicial discretion as this would be incompatible with the judiciary's unique constitutional position.

As part of a wider package of work and outside of the Victims Bill we will also make further changes.

**We will work with inspectorates to enhance the focus on victims' experiences in core inspections.**

The criminal justice inspectorates also separately undertake assessments of the efficiency and effectiveness of the individual agencies they have

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oversight of including individual police forces, CPS areas, prison and probation services.

We will work with the inspectorates to consider how they can enhance the focus on victims' experiences within their assessment frameworks for individual agencies, including increasing direct engagement with victims during the course of an inspection. This will be with the aim of ensuring that every agency and area is robustly assessed on victims' experiences, meaning that issues in individual agencies do not slip under the radar, and can be addressed to improve performance.

### **We will work with the inspectorates to develop ratings for agencies on how victims are treated.**

The criminal justice inspectorates utilise their own separate methodologies for assessing the efficiency and effectiveness of criminal justice agencies.

Currently HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) report on the quality of service each force provides to victims and grades key aspects of performance. HMI Probation also utilises ratings but does not provide ratings in relation to probation services' interactions with victims.

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Consultation responses told us that oversight and incentivisation of agencies should be more standardised and consistent. Having closely examined practices from other sectors, we will work with the inspectorates and across government to explore how a ratings system might work for this sector. Detail is still to be developed and it will be important that we work closely with the inspectorates so that we can ensure proposals are workable and deliverable. This can be agreed outside of legislation (for example via a Memorandum of Understanding), as is for the case for the current use of ratings by HMICFRS and HMI Probation.

This will incentivise agencies to improve performance. It will also improve transparency and allow for easy comparison across agencies and regions.

**We will work with inspectorates to ensure processes are in place for agencies which inspectorates rate poorly.**

Other sectors such as education and health utilise specific processes for poorly performing services. The inspectorates again employ their own separate methodologies in response to inspections where significant failings have been found and have not

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been addressed. For example, HMICFRS use the “Engage” phase of advanced monitoring for a police force, where an improvement plan is developed, and additional support provided. HMI Prisons have an “Urgent Notification” process for publicly alerting the Secretary of State where they have particular concerns following an inspection and the Secretary of State has 28 days to publicly respond. HMI Prisons also have Independent Reviews of Progress to follow up on the implementation of recommendations.

The consultation responses indicated that many people felt that stronger monitoring mechanisms are needed. We will therefore work with the inspectorates to ensure processes whereby agencies failing treat victims as they are required to develop robust action plans to detail how they will improve. It is our intention that the action plan will be laid before Parliament by the Minister responsible for the agency. Action plans for police forces will be placed in the public domain by the relevant PCC. We will work closely with the inspectorates to develop processes for any follow up that may be required as a result of inspections.

For all of the above proposals for improvements in the inspectorates’ focus on victims, we will work closely

with the inspectorates. We will also take on board the feedback received during the consultation period regarding implementation, including taking into account differing functions and methodologies.

### **Embedding the victims' voice into the criminal justice process**

To ensure that victims are at the heart of the criminal justice system and that we continue to improve victims' experience, we need to improve how we use data on victims' experiences. At present, there is a fragmented approach to collecting data about the treatment of victims and the awareness and enforcement of the Code. We want to use victims' voices to identify issues and drive up performance across the system, to ensure that victims' experiences of the criminal justice system are consistently improved. We know that there is good practice already, but this needs to become commonplace.

#### **You said:**

**We asked how criminal justice agencies could better include victims' voices.** Responses highlighted the importance of collecting data about victims' experiences and perceptions of the criminal

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justice system. 177 respondents made a variety of suggestions. This included:

- 112 suggestions (made by 63% of respondents) for criminal justice agencies to be focused more on victims. In particular, 45 suggestions (made by 25% of respondents) recommended more needs-assessments and tailored service provision with, for instance, a greater focus on the needs and experiences of children and young victims, more inclusive and accessible services that cater to different types of victims, more diverse skillsets among staff and a trauma-informed approach.
- 36 suggestions (made by 20% respondents) calling for more action by agencies to understand victims' needs and experiences and, for instance, to conduct more research, continuously review victims' experiences and needs and improve the collection, reporting and sharing of victims' data. Other proposals of how to make criminal justice agencies more focused on victims included creating feedback and complaints processes and making greater use of Victim Personal Statements.
- 54 suggestions (made by 31% of respondents) for institutional changes. This included a greater role for advocates, the creation of independent forums



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accessible to victims and involving victims in the planning and delivery of support.

- 51 suggestions (made by 29% of respondents) for better information and communication. For instance, improved communication between victims and organisations, more accessible and available information for victims and greater emphasis on listening to victims.

### **120 respondents made multiple suggestions about the type of data agencies should collect about victims' experiences:**

- The most common idea was to collect data on victims' experiences, views and perceptions of the criminal justice system (75 suggestions, made by 63% of respondents); data on the overall quality and effectiveness of the criminal justice system (38 suggestions, made by 32% of respondents); data on victim engagement through their criminal justice journey (23 suggestions, made by 19% of respondents); and data on the nature and duration of the victim journey (23 suggestions, made by 19% of respondents).
- There were mixed views about when this should be collected. 23 suggestions were made (by 19% of respondents) for collecting data at regular

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intervals; 17 suggestions (from 14% of respondents) proposed specific time points; 9 suggestions were made (by 8% of respondents) to collect data at the end of the victim's journey; while 8 suggestions were made (by 7% of respondents) to collect data at the beginning of the victim's journey. Victims who responded to our consultation said that there should be opportunities for victims to feedback both throughout and after the process, including years later once victims have reflected on their experience.

**Exploring points made regarding accessibility, we asked how victims could provide immediate feedback.** Of 124 respondents, 116 (94%) agreed that victims should be able to provide immediate feedback. 68 recommendations (made by 55% of respondents) emphasised collecting feedback online, e.g. surveys, emails and forums, 63 recommendations (made by 51% of respondents) highlighted collecting it by phone, e.g. text messages and phone interviews, and 26 recommendations (made by 21% of respondents) pointed out in-person feedback, e.g. surveys, interviews and focus groups. Victims we engaged directly emphasised that feedback must be voluntary and include the option of anonymity.

### **We will:**

We understand from the consultation responses the importance of using victim feedback to improve performance across the criminal justice system.

**We will place a duty on the relevant criminal justice agencies and PCCs to take into account feedback from victims to contextualise and add to Code compliance data.** Where this data is not already available to the relevant body, this duty would require collecting and considering information about the experiences and opinions of victims accessing their services. This will amplify victims' voices to complement and contextualise Code compliance data and to help agencies to evaluate and improve their services. This can be used in discussions alongside the Code compliance data discussed above, building a more comprehensive understanding of victims' experience of the criminal justice system. In developing this requirement, we will take note of the important feedback provided above, such as the requirement for feedback to be voluntary.

## **Simplifying complaints processes and increasing transparency of complaints data**

The legislation and policies outlined in this consultation will lead to victims having their expectations of support and treatment under the Code met more consistently. However, if things go wrong, there should be an easy-to-use, transparent complaints process, with robust outcomes. There are already complaints processes in place across the criminal justice agencies and for complaints against the Police, complainants can escalate their issue to the Independent Office for Police Conduct.

We asked questions about how we could simplify the complaints processes for victims to make them swifter and more transparent. We also asked what more could be done to improve oversight of the complaints system, and how to better embed complaints relating to the Code into agencies' operational and performance management processes.

### **You said:**

**Of 99 respondents, 85 (86%) agreed that the complaints processes should be simplified to make them more transparent and easier for victims to use.**

To simplify complaints processes, respondents made multiple recommendations, including:

- 35 suggestions (made by 35% of respondents) for the handling of complaints to be improved, for example, by allowing victims to track their complaints, by standardising the complaint management process (e.g. including maximum response times), by training staff to better handle complaints, and by ensuring victims are aware of possible outcomes and have realistic expectations.
- 24 suggestions (made by 24% of respondents) for the complaints process to be made more accessible. Among other things, respondents proposed making it easier to submit complaints, for instance by diversifying complaint mechanisms (e.g. phone, online, in-person).
- 13 suggestions (made by 13% of respondents) for the need for greater awareness and communication about the complaints process.

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- 8 suggestions (made by 9% of respondents) for the complaint processes to be made be less burdensome and bureaucratic. This included suggestions for automated and streamlined processes or allowing others, such as advocates, to submit complaints on behalf of victims.

Practitioners we engaged directly noted that there was no unified complaints system and that many victims lacked awareness about how to navigate complaining to multiple organisations. The Parliamentary and Health Services Ombudsman (PHSO) has concerns that the need to refer complaints through an MP complicates the system further and would support removal of the “filter”. Victims we spoke to at engagement events added that in many cases professionals did not inform them of their right to complain. Victims considered complaining a difficult task. Additionally, victims we engaged with directly felt that feedback, particularly to the police, was not taken seriously and emphasised the importance of knowing how feedback would lead to improvement. They added that collecting feedback from Criminal Justice agencies would only offer a limited picture of the victim experience.

**Respondents agreed that oversight of complaints handling must be improved.** 65 respondents made a variety of recommendations for how this could be achieved, including:

- 25 suggestions (made by 38% of respondents) for making the process more responsive and accountable, with 10 suggestions (from 15% of respondents) for establishing an oversight body and 6 suggestions (from 9% of respondents) for establishing maximum response times.
- 10 suggestions (made by 15% of respondents) proposed making the complaint process standardised.

**36 respondents were argued that agencies should better embed complaints into their operational and performance management.**

- 20 organisation-level recommendations were made (by 56% of respondents). These included utilising and improving core training and skill-development programmes on the Code, improved “customer service”, setting targets/key performance indicators and embedding the Code in strategic objectives.
- 14 recommendations were made (by 39% of respondents) about changing the wider system

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agencies operated in. Suggestions included sanctioning or penalising non-compliance, establishing statutory accountability, and introducing minimum performance requirements for agencies.

### **We will:**

**As part of the Victims Bill, we will remove the “Member of Parliament filter” for victims of crime, giving victims direct access to escalate complaints to PHSO.**

Some responses suggested establishing an oversight body to oversee complaints. The PHSO has an oversight role, however it is currently not frequently utilised by victims. The PHSO can investigate complaints against many government entities, including complaints about delivery of their entitlements under the Code. However, all such complaints to the PHSO must currently be made via an MP.

We will remove this requirement for victims of crime with the Victims Bill, giving victims direct access to the PHSO and allowing them to escalate complaints on their own. Removal of the “MP filter” will be an exception for victims of crime, for whom approaching



an MP to share a potentially traumatic experience is more likely to be a barrier to making a complaint. This does not constitute an indication that the Government intends to remove the MP filter more widely. However, we recognise that some complainants will require assistance – and may wish to have the assistance and support of an MP. We will therefore also allow complainants to escalate their complaints to the PHSO via an authorised person (someone they have asked to help them escalate their complaint), which can include an MP.

**We will ask the police, CPS, and HMCTS to report annually on victims' complaints.** To improve transparency and accountability, we will consult with the police, PCCs, CPS and HMCTS to arrange for annual reporting on complaints received from victims, including the number of victims' complaints they receive and how they are resolved. This will provide an annual source of data for agencies to analyse to help determine if there are improvements, they need to make to their complaints systems, and to assist with identifying where common problems are occurring.

**We will improve communication with victims regarding complaints.** We will work with the police, CPS and HMCTS to improve, simplify, and streamline their communication materials to ensure victims better understand how they can complain, to whom they should complain, and what they can expect from the complaints process. This will help victims to navigate the system and ensure their entitlements and needs are met.

In addition, we will work with the police and CPS to ensure that their respective witness care units and professional standards departments, and victim liaison units have simplified points of contact for victims to ensure that victims know who to complain to and how to complain. We will also work with the police and CPS to ensure there is improved communication between them, enabling victims to navigate between agencies when required as simply as possible.

## **Chapter 3 – Supporting victims of crime**

### **Victim support services**

We want victims of crime to be able to access the right support, at the right time, to cope, recover, and to better enable them, if they choose, to support investigations and prosecutions. Victims are likely to experience a range of impacts following a crime and may require advice, recovery and support services, which could be medical, therapeutic, practical and/or emotional.

Providing these services means that those who have suffered the devastating impact of crime are supported. It also supports effective functioning of the justice system because if victims feel well supported, they will be better able to engage with it.

Our consultation asked about services provided to victims across both the public and voluntary sectors

outside of safe accommodation.<sup>19</sup> We know that demand for these services outstrips supply, that not all victims can access the right support in their local area, and that victims can find the range of services they access disjointed and difficult to move between.

Consultation responses said that more funding, and more sustainable funding, would help. We are already taking action to address this, and to strengthen the capacity of support services to help more victims. But we want to go further.

We consulted on whether more formalised collaboration structures could help to improve service provision for victims of certain high volume and traumatic crimes (domestic abuse, sexual violence, and other serious violence), because currently there is no framework or structure that brings together the

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<sup>19</sup>We had described this as “community-based” support, although we are aware that there is provision of support to victims in other settings like hospitals so have used a broader term of victim support services throughout this document

range of public sector bodies who provide support services to victims outside of safe accommodation.<sup>20</sup>

This legislation will seek to address this issue and improve coordination of commissioning support services. It will align with the duty to prevent and reduce serious violence,<sup>21</sup> which requires collaboration between the multiple agencies with a role in tackling the drivers of serious violence. A duty to collaborate when commissioning support services for victims of domestic abuse, sexual violence and other serious violence will facilitate rounded consideration of what the right services are, what can be done more effectively by working together, and how best to target resources to deliver the services victims most need.

This chapter discusses how we will:

- **Improve coordination and holistic consideration of victim support services –**

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<sup>20</sup> A legislative framework for commissioning “accommodation-based services” for victims of domestic abuse and their children is set out in Part 4 of the Domestic Abuse Act 2021

<sup>21</sup> Section 8 of the Police, Crime, Sentencing and Courts Act (2022)

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including introducing a joint statutory duty on Police and Crime Commissioners (PCCs), local authorities and health bodies to collaborate when commissioning support services provided outside of safe accommodation.

- **Improve transparency of aims and approaches for local commissioning** – requiring the publication of local commissioning strategies informed by victims' voices and sector expertise, consideration of the needs of those with protected characteristics, and other relevant needs assessments.
- **Tackle wider issues to improve the provision of support services for victims** – including through national commissioning standards and approaches, and further consideration of more tailored provision.
- **Strengthen funding for critical services and ensure offenders pay more** – through an increase in the Victim Surcharge, a new Victims Funding Strategy, and introducing increased and sustainable funding which is guaranteed up to 2025.

**You said:**

*Legislative duties to collaborate in commissioning*

**We asked about legislative requirements that have worked well to improve multi-agency collaboration, and any risks or potential downsides of such duties.**

- What has worked well: examples of positive long-standing examples included Multi-Agency Public Protection Arrangements (MAPPA), Multi-Agency Risk Assessment Conferences (MARAC), and Safeguarding Boards.
- Possible risks and downsides: issues raised included added complexity and a more bureaucratic approach to commissioning; coordination issues, including a lack of clear roles and responsibilities; insufficient funding to deliver the duty.

Some responses, including the Victims' Commissioner and the Domestic Abuse Commissioner recommended a duty to not only bring commissioners together, but a duty to require commissioning of community-based services.

### *Strengths of the current commissioning landscape*

**We asked about what works nationally and locally for commissioning support services for victims of domestic abuse, sexual violence, and other serious violence.** 51 respondents (providing multiple ideas) identified these as including:

- Existing co-commissioning and partnership working practices (21 suggestions, made by 41% of respondents). In support of this, we heard from practitioners at engagement events about positive examples of local networks, as well as consortia jointly bidding to deliver support.
- Ways in which current commissioning captures local priorities and assesses needs (12 suggestions, made by 12% of respondents).
- Ways to enable long-term funding for services (12 suggestions, made by 12% of respondents).

Within engagement sessions with commissioners and service providers, we also heard about elements that work less well. We heard that short-term funding (and resulting quick tendering processes) can be detrimental to services, as it contributes to lack of certainty and resulting loss of staff, and quick tendering processes by commissioners that can overly favour well-resourced, large organisations. We also



heard that without specific incentives or top-down national frameworks or requirements, commissioners do not necessarily work together leading to siloed commissioning.

### *Improving partnership working and holistic delivery of victim services*

**We asked about how partnership working can be improved in commissioning services for victims of domestic abuse, sexual violence, and other serious violence, including victims who are children and young people.** 155 relevant responses cited multiple ideas, including:

- 48 suggestions (made by 31% of respondents) for joint funding for commissioners and 23 suggestions (made by 15% of respondents) for increased and ring-fenced funding for these services to improve local level joint working. Commissioners and service providers we engaged directly also pointed to the positive impact that multi-year funding settlements can have on joint working at local level, for example to allow more time to think strategically, and align funding and contract cycles.
- 35 suggestions (made by 23% of respondents) for more engagement across agencies to facilitate

joint commissioning. PCCs in engagement sessions suggested that they could play a strengthened role as a bridge between national government and local providers, to join up national and local commissioning processes; other commissioners suggested provider collaboratives could help with pooling resources and sharing risk and expertise.

- 25 suggestions (made by 16% of respondents) for improved information sharing, for instance between providers and commissioners.
- 25 suggestions (made by 16% of respondents) for introducing a duty for joint or co-commissioning. However, commissioners we engaged with directly pointed to a series of challenges complicating co-commissioning, including funding restrictions, a lack of capacity, and inconsistent commissioning timelines and approaches.

The Victims' Commissioner recommended regional pots of money for joined up commissioning, with clear expectations and guidance for commissioners. The Local Government Association called for more investment in services and consistent commissioning frameworks across government. We heard calls from other organisations for a robust national oversight

mechanism to hold services to account for the quality of their provision.

### *Smaller “by and for” services*

**We asked what the Government could do to ensure that commissioners are adequately responding to and implementing the expertise of smaller, “by and for” organisations (that is, provided “by and for” the community they serve) in line with local need.** Of 114 respondents, 111 argued that the Government should do more to incorporate the expertise of “by and for” organisations. Response provided multiple suggestions about how this could be achieved, including:

- 57 suggestions (made by 50% of respondents) for the government to address funding and resource gaps and related challenges affecting smaller “by and for” organisations.
- 28 suggestions (made by 25% of respondents) for national guidance and minimum requirements for commissioners.
- 26 suggestions (made by 23% of respondents) for incentives for collaborative working.
- 25 suggestions (made by 22% of respondents) for the development of more inclusive policies.

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- 25 suggestions (made by 22% of respondents) for increased government engagement with smaller services.
- 23 suggestions (made by 20% of respondents) for new research on the local service landscape.

### **We also asked whether national commissioning should play a role in the commissioning framework for smaller “by and for” organisations.**

Of 153 respondents, 123 (80%) said yes. Reasons included a view that that national commissioning would improve the evaluation and monitoring of commissioning and procurement processes, improve alignment across services/agencies, and improve the efficiency of commissioning and procurement processes at the local level. The Domestic Abuse Commissioner proposed ring-fenced funding for specialist services and clear commissioning guidelines. In engagement events, smaller providers sought new commissioning or funding approaches to support them, citing that they feel less able to compete against bigger national organisations in tender processes, and are unable to meet local commissioning thresholds where this values maximum reach and lowest costs. They suggested inclusive policies and frameworks could help.

## **Delivering justice for victims: consultation response**

30 respondents (20%) disagreed. Reasons included a belief that national commissioning can be inefficient and that national commissioners lack relevant local knowledge and expertise. Local commissioners we engaged with suggested alternative methods, for example join-up between larger and smaller providers to enable tailored, culturally sensitive support within broader services.

**We also asked what local commissioners could do to improve the commissioning of specialist “by and for” services for their area.** 229 respondents provided multiple ideas, including:

- 44 suggestions (made by 21% of respondents) for increased funding/resources to be made available to local commissioners.
- 38 suggestions (made by 18% of respondents) for more research and work to better understand best practice in commissioning these services.
- 32 suggestions (made by 15% of respondents) for increasing engagement with smaller “by and for services” in different forums at local level.

### *Challenges in accessing integrated support*

**We asked what challenges exist for victims in accessing integrated support across third sector and health service provisions.** A total of 163 respondents responses highlighted the following challenges:

- Fragmentation of existing services (61 suggestions, made by 37% of respondents). Victims we engaged with also noted a lack of clarity and consistency when progressing between different support services. In engagement events, PCCs in particular noted that a lack of understanding of their roles as commissioners likely contributed to this problem.
- Quality and diversity of services (57 suggestions, made by 35% of respondents), pointing to services not being tailored to specific needs, lack of flexibility, poor staff training and under-resourcing.
- Limited availability of support (55 suggestions, made by 34% of respondents), pointing to long wait times. In engagement events, commissioners noted long mental health waiting times, and victims noted varying availability depending on location, varying ability of quality or specialist support, and generally high demand and long waiting lists.

## **Delivering justice for victims: consultation response**

- Poor awareness of support available both among victims and professionals (45 suggestions, made by 28% of respondents).
- Accessibility of support (44 suggestions, made by 27% of respondents), pointing to issues including digital literacy as a barrier for services only available online and language barriers. Victims we engaged directly described practical challenges to accessing support such as requiring transport or money.

**We asked what and how practical measures or referral mechanisms could be put in place to address challenges.** 11 respondents (7%) agreed that improved referral systems were key. Other ideas included:

- Improved partnership working and collaboration (9 suggestions, made by 6% of respondents).
- Improved information and awareness (7 suggestions, made by 4% of respondents) for improved information and awareness.
- Increased funding/resource (5 suggestions, made by 3% of respondents).
- Improved staff skills and training (5 suggestions, made by 3% of respondents).

## **Delivering justice for victims:** consultation response

Some commissioners we engaged with directly shared positive examples of how they had approached making pathways and referrals clearer – including through local consortia managing referrals. There were calls in several consultation responses, including from the Victims' Commissioner, for more counselling and therapeutic support, more co-commissioning with health, better integrated provision, and better pathways between mental health and sexual violence services.

### *Other cross-cutting issues for victim support services*

We heard the following themes from engagement with victims and from key stakeholders:

- **Experience of services:** victims we engaged with noted geographical variation, generally high demand and long waiting lists.
- **Children and young people:** we heard from some responses including those from the Domestic Abuse Commissioner, the Victims' Commissioner and the Local Government Association, that commissioners should do more to recognise the distinct needs of children and young people, and called for more investment into holistic care models.



## **Delivering justice for victims: consultation response**

- **Serious violence:** 16 responses referred to serious violence, suggesting that focus on provision for victims of domestic abuse and sexual violence can overshadow provision of trauma support for victims of other serious violence; others noted commissioning via Violence Reduction Units.
- **Early intervention and prevention services:** the Domestic Abuse Commissioner raised the importance of interventions for those exhibiting problematic behaviours, and the need for evaluation behaviour-change interventions.

### **We will:**

**We will introduce a duty to collaborate locally, to facilitate more holistic and better coordinated support services for victims of domestic abuse, sexual violence and other serious violence.<sup>22</sup>**

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<sup>22</sup>Definitions mirror the following existing legal definitions: domestic abuse as defined in section 1 of the Domestic Abuse Act 2021; sexual violence covering offences listed in schedule 3 to the Sexual Offences Act 2003, excluding the offence specified in paragraph 14 of that schedule; and serious violence as defined by clause 13 of the Police, Crime, Sentencing and Courts Bill

Better multi-agency collaboration can involve regular communication and sharing of information to enable a common understanding of local need and effective available provision and can create the right conditions for relevant partners to take effective coordinated action in their local areas.

Multi-agency collaboration will be particularly valuable when considering how best to commission services that support victims, because a range of groups are involved. Some services are commissioned nationally,<sup>23</sup> but most services are commissioned locally, via PCCs, local authorities and health bodies (Clinical Commissioning Groups), which all play an important local role:

- PCCs specifically commission services to support victims and witnesses of criminal offences, including co-commissioning Sexual Assault Referral Clinics (SARCs) with NHS England.

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<sup>23</sup>For example, the Ministry of Justice directly commissions the Court Based Witness Service, the National Homicide Service, and services through the Rape and Sexual Abuse Support fund, and the Home Office commissions some specialist Violence Against Women and Girls support services

## **Delivering justice for victims: consultation response**

- Local authorities are responsible for a range of local services, and many provide specific support services for victims of domestic abuse and sexual violence.
- Clinical Commissioning Groups (CCGs) (which will be replaced by Integrated Care Boards (ICBs) from July 2022) are responsible for the planning and commissioning of health care services for their local area, including mental health services, and urgent and emergency care.

We heard examples where good collaboration is improving the local offer to victims, including: a jointly commissioned specialist therapy offer for victims of sexual abuse in Nottingham; a single point of access for domestic abuse support in Chelmsford; and a clear referral process in Suffolk between health commissioners, the police, the local authority and providers in the local network.

However, these examples depended on specific local leaders, and we heard from PCCs and local authority commissioners that statutory requirements or a “top down” national framework could improve join-up, including in particular with health commissioning. We also note that while we heard the benefits of

co-commissioning, we also heard of practical barriers to pooling resources and of examples of joined-up commissioning processes without directly joining budgets.

Placing a statutory duty on these three local commissioning groups will set a framework to bring them together and facilitate a more coherent local approach to service commissioning. This will not set new requirements to commission services, but instead will enable join-up between the existing processes to set the foundations for a more joined-up support offer and journey for victims between services. It could also reduce duplication in commissioning processes and enable targeted use of resources across the groups.

It will align with the changes planned through the Health and Care Act 2022 which will change how health and care services are commissioned, with a renewed focus on collaboration. The new integrated care structures will bring together providers and commissioners of NHS services with local authorities and other local partners to collectively plan services for their population. This duty will build on this to establish the infrastructure for collaborative focus specifically on the needs of victims.

**We will work with local areas to understand what local partnership structure may work best**, noting the variety of forums in place locally which may be appropriate to use and the need to align this targeted focus with existing related multi-agency activity (for example, integrated care, community safety, child and adult safeguarding, accommodation-based support for domestic abuse victims, and criminal justice). Further detail will be developed in statutory guidance on this issue, alongside other practical issues relating to delivery of the duty. While the duty to collaborate will be joint between the three responsible groups, we expect that PCCs will play a convening role to drive forward relevant activity, while allowing for local flexibility for what works. This would align with PCCs' particular commissioning focus on supporting victims of crime and their wider convening role to bring partners together.

**We will require the publication of a local commissioning strategy to set out the aims and approach for commissioning relevant services from each agency.**

## **Delivering justice for victims: consultation response**

To ensure that the strategy takes account of important issues that we heard from consultation responses, we will require that the strategies are informed by:

- Relevant needs assessments.
- Specific consideration of the service needs of victims who may experience barriers to using generic support services, such as children, LGBT victims, ethnic minority victims, deaf or disabled victims, and victims with specific needs due to their sex.
- Consideration of existing local and national provision.
- Consideration of victims' voices and sector expertise.

We also intend to set up a national oversight group to consider the published strategies and discuss solutions to local challenges.

We will apply this duty in England only, to avoid overlap with similar legislation in Wales which places a duty on devolved local authorities and health boards to collaborate to improve support for victims of gender-based violence, domestic abuse and sexual violence (the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015).

**Focus of collaboration.** The duty will focus on collaboration for the approach to commissioning support services for victims of sexual violence, domestic abuse, and other serious violence (which aligns with the duty to collaborate to prevent and reduce serious violence). The effects of these traumatic crimes are severe, and there are a significant number of victims each year. We therefore want focused attention on how best to directly support these victims. It will also exclude focus on “accommodation-based services”, as this is covered by separate legislation (Part 4 of the Domestic Abuse Act 2021).

### *Wider work*

**Outside of legislation, we will further consider the best approaches to service provision.** The duty to collaborate will go alongside separate improvements including in relation to funding set out below.

**Increased and sustainable funding.** Across government last year, around £300 million was made available for support services for victims of crime by the Ministry of Justice, Home Office and Department for Levelling Up, Housing and Communities. The Ministry of Justice will increase funding for victim

support to £185 million by 2024/25, which is an 85% uplift from core funding in 2020/21.

Recognising how crucial sustainable funding is for the victim support sector, a significant proportion of MoJ funding – at least £147 million per year – is now guaranteed up to 2025, instead of the current system which confirms funding annually.<sup>24</sup> This move to a longer-term funding model announced in March will allow charities and service providers to plan for the future, build capacity and strengthen their resilience to help even more victims to access support when needed.

The current programme of NHS England work for sexual assault referral centres (SARCs) and the pathway for mental health services for survivors is supported by £45 million (2020/21), which has more than tripled over the six previous years. NHS funding for sexual assault and domestic abuse services will increase further by £20 million in the next three years.

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<sup>24</sup> Major funding boost for victim services as local criminal justice scorecards published – GOV.UK (March 2022)  
<https://www.gov.uk/government/news/major-funding-boost-for-victim-services-as-local-criminal-justice-scorecards-published>



The Tackling Domestic Abuse Plan 2022 announced up to £7.5 million investment over three years into domestic abuse interventions in healthcare settings. This will support upskilling healthcare professionals and ensuring they can effectively identify and refer victims and survivors to support services.

**National commissioning standards, metrics and approaches.** Responses called for commissioning standards and guidance, as well as more joined-up national approaches to funding. The new Victims' Funding Strategy will propose a framework to better align funding across government and strengthen commissioning through national standards and consistent metrics and outcomes. These standards will provide a baseline for commissioning and will complement existing guidance such as the Violence Against Women and Girls National Statement of

Expectations and the Violence Against Women and Girls Commissioning Toolkit.<sup>25</sup>

### Tailored provision.

- We asked about what worked for **children and young people**, and we will consider this further alongside the sector to understand models of best practice for holistic support and specialist training.
- We also asked about the role of national commissioning to better enable provision of services for **victims who may face barriers in accessing generic support**, including deaf, disabled, LGBT and ethnic minority victims. Last year, the Government provided over £2m in funding to Comic Relief for the first national “Specialist Fund” focused on building capacity

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<sup>25</sup> Violence Against Women and Girls: National Statement of Expectations – GOV.UK (March 2022)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1064571/National\\_Statement\\_of\\_Expectations\\_2022\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1064571/National_Statement_of_Expectations_2022_Final.pdf)

Violence Against Women and Girls Services:

Commissioning Toolkit – GOV.UK (March 2022)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1064572/VAWG\\_Commissioning\\_Toolkit\\_2022\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1064572/VAWG_Commissioning_Toolkit_2022_Final.pdf)

within the “by and for” support service sector. We are currently considering how best to build on the foundations laid by the fund. The Government has also recently published its Supporting Male Victims document to complement the Tackling Violence Against Women and Girls (VAWG) Strategy 2021 and the Tackling Domestic Abuse Plan 2022, all of which set out the Government’s ambition to reduce the prevalence of these crimes and improve support for victims, including men and boys.<sup>26</sup>

**Health-based provision.** The duty will support local integration between health and voluntary services. It will build on the requirement for Integrated Care Boards to set out any steps they propose to take to address the particular needs of victims of abuse (including domestic abuse and sexual abuse), as part of its five year forward plan. It will also build on Integrated Care Partnerships, which will bring together representatives from health, social care and public health. They will develop an integrated care strategy to address the health, social care and public health needs of their local communities, which the Integrated

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<sup>26</sup> Supporting Male Victims (March 2022) <https://www.gov.uk/government/publications/supporting-male-victims>

## **Delivering justice for victims: consultation response**

Care Board will need to have regard to when making decisions.

The NHS continually seeks opportunities to improve health services for victims. The NHS Long Term Plan set out its ambition to expand service provision to ensure survivors of sexual assault are offered integrated therapeutic mental health support, and they are providing enhanced support services for victims of sexual assault and abuse who have complex, trauma-related mental health needs.

### **Provision to change the behaviour of offenders.**

We heard about the importance of wider work to tackle offending and reduce crime, including working with perpetrators to change their behaviour. While the Victims Bill will focus on service provision to directly support victims to cope and recover, separate work is ongoing to address domestic abuse offenders' behaviour.

For example, over the last two years the Home Office has awarded over £25 million to PCCs to increase the availability of perpetrator interventions in their areas, with evaluations of projects due to be published this year. A further £75 million over three years has been committed within the Domestic Abuse Plan for

perpetrator interventions, evaluation and further research to improve our knowledge of what works to reduce reoffending. HM Prison & Probation Service (HMPPS) also delivers a range of accredited interventions to address the needs of offenders convicted of a variety of offences, including domestic violence offences, as part of its commitment to reducing reoffending and protecting the public.

### **Increasing the Victim Surcharge**

Demand for victim support services has continued to increase. This is why we are committed to ensuring that victims can continue to access the support that they need.

To safeguard future funding for these critical services and ensure offenders pay more towards victim support services, we consulted on increasing the Surcharge (often referred to as “the Victim Surcharge”). The Surcharge is a charge imposed on offenders by the court, to ensure that offenders hold some responsibility towards the cost of supporting victims and witnesses.

The proposals consulted on included increasing the “Surcharge for sentences” by an overall percentage

increase or an increase to the minimum rate and increasing the “Surcharge for fines”.<sup>27</sup>

Income collected from the Surcharge is ringfenced and contributes to the Ministry of Justice’s budget allocated to victim and witness support services. The budget funds local support services commissioned by PCCs for victims in their communities, and also funds national support. The national support funded includes:

- rape support centres across England and Wales
- the Court Based Witness Service
- the National Homicide Service

We will increase the Surcharge to ensure offenders contribute more towards funding for support services for victims. It will also build on this government’s pre-election pledge to increase the Surcharge by 25% by 2024/25: a 5% increase was completed in 2020, leaving 20% still to be delivered.

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<sup>27</sup> The Surcharge for fines is payable by both organisations and individuals and calculated as a percentage amount of the fine with minimum and maximum caps

### **You said:**

#### **We asked whether we should explore increasing the Surcharge.** Of 127 respondents:

- 97 respondents (76%) agreed, with reasons given including the view that it would help provide accountability and act as a deterrent for perpetrators (22 responses) and that it would help fund support services (34 responses). Other respondents suggested increasing the Surcharge might help cover criminal justice costs and account for inflation.
- 30 respondents (24%) did not support an increase, with reasons including a view that responsibility for funding support services should be with the Government and general taxpayer funds, concerns relating to the Surcharge having unintended consequences and a lack of data to evidence the impact of the Surcharge and what it currently funds.

#### **We asked whether we should consider an overall percentage increase:**

- Of 49 respondents, 33 (67%) agreed with an overall percentage increase in the Surcharge, with 10 responses explicitly supporting a 20% increase

## **Delivering justice for victims: consultation response**

and 5 responses supporting a 50% increase. Recurring suggestions were made for the Surcharge to be dependent on the crime and its impact, and for the Surcharge to be means tested.

We asked whether we should increase the minimum rate. Of 63 respondents,

- 35 respondents (56%) agreed, and
- 28 respondents (44%) disagreed.

Of those who agreed, 5 respondents suggested a minimum rate of £100, while four respondents suggested a minimum rate of £1,000.

Finally, we asked whether we should review the Surcharge for fines. A majority of respondents agreed that the Government should review the Surcharge for fines, with respondents suggesting, among other things, that this should also be means tested and dependent on the crime.

### **We will:**

**We will increase the Surcharge to fulfil the pre-election commitment to increase the Surcharge by 25% by 2024. This will generate additional income of up to £20m per year by 2024/25 and we will**



**implement these increases through secondary legislation as soon as possible.**

Following an initial 5% increase completed in 2020, we will now increase the Surcharge by 20% for all rates, except for those paid alongside a fine. To ensure that the Surcharge paid remains proportionate to the type of sentence, we will not be increasing the minimum rate to £100.

For Surcharges imposed alongside a fine, we will remove the minimum amount of £34. The percentage amount paid will be increased, from 10% of the fine to 40% of the fine, and the maximum amount will be increased to £2,000 compared to the current cap of £190. Increasing the maximum cap will help account for the higher fines that organisations receive.

There were concerns raised about the “ability to pay” of offenders. However, Surcharge payments can be split into small instalments and paid overtime and, where an offender has to pay a criminal compensation order but cannot afford to pay both the compensation order and the Surcharge, the compensation order will be prioritised and the Surcharge will be made nil.

Finally, we acknowledge concerns relating to the Surcharge and the need for further data and evidence. We are considering how to improve transparency specifically in regard to the impact of the Surcharge.

**Compensation for victims.** We heard from responses who wanted more compensation for financial loss suffered by victims as a consequence of the criminal offence that they have suffered. The money raised via the Surcharge is ring-fenced to fund support services for victims across a number of different areas at both national and local levels.

However, there are other forms of compensation that victims receive directly:

- Criminal Compensation Orders are paid to a victim by the offender and may be imposed by the court in cases involving personal injury, loss or damage resulting from the offence. In determining the amount to be imposed, the court will take into account the financial circumstances of the offender.
- The Criminal Injuries Compensation Scheme, funded by Government, recognises through compensation the harm experienced by victims seriously injured by violent crime including physical

## **Delivering justice for victims: consultation response**

and sexual assault as well as domestic terror attacks. We have consulted on reforms to this scheme separately and will publish a formal response in due course.

## **Chapter 4 – Improving advocacy support**

Advocates<sup>28</sup> are crucial to the victim support landscape, in helping victims make informed choices, stay engaged in the criminal justice system, and coordinate between victims and agencies, such as police, housing and health. Independent Sexual Violence Advisors (ISVAs) and Independent Domestic Violence Advisors (IDVAs) are key to providing such support and have faced growing demand in recent years, leading to increased government funding. In 2021/22 the Ministry of Justice (MOJ) provided ringfenced funding of £27m to support 700 ISVA and IDVA roles. As announced at the Autumn Budget, we

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<sup>28</sup>Victim advocates come in many forms, but will all largely provide a crisis intervention role, with the goal of improving safety of and reducing risk to the victim. Advocates also work to ensure that victims can make informed choices and enable access to a range of services and agencies, including the criminal justice system. Appendix 4: Literature Review - National scoping exercise of advocacy services for victims of violence against women and girls - gov.scot ([www.gov.scot](http://www.gov.scot))

## **Delivering justice for victims: consultation response**

are further investing in victim support services, increasing funding to £185 million by 2024/25, which will include increasing the number of ISVAs and IDVAs we fund to over 1,000.

The ISVA and IDVA roles are distinct from one another, and while there may be similarities, each role provides differing expertise, specialisms and requirements for supporting victims. The positive impact of both ISVAs and IDVAs on victim engagement is clear to see, with research concluding that 93% of rape victims who received support from an ISVA or other support service reported to the police, compared to only 54% without this support.<sup>29</sup>

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<sup>29</sup>Rape Survivors and the Criminal Justice System – Victims Commissioners Office (October 2020)  
<https://victimscommissioner.org.uk/document/rape-survivors-and-the-criminal-justice-system/> This is an association, rather than causal. Survivors may be more likely to report because they have an ISVA or those who report are more likely to be referred to an ISVA

## **Delivering justice for victims: consultation response**

Victim satisfaction of these roles is also high, second only to trained counsellors/ psychologists.<sup>30</sup>

We plan to address some of the shared challenges faced by ISVAs and IDVAs through the Victims Bill. During the consultation we asked questions regarding how government intervention could increase awareness and consistency, reduce duplication across services, and ensure advocates, alongside other agencies work successfully together to meet all victims' needs.

We heard that placing ISVAs and IDVAs on a statutory footing via the Victims Bill would support the sector by raising the profile of these roles and demonstrating the value government places on them. We intend to do this and to introduce accompanying statutory guidance to enhance standards and professionalisation across the board.

We are also announcing a set of non-legislative measures which will form part of a long-term plan to

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<sup>30</sup>Tackling Violence Against Women and Girls Strategy – Gov.uk (July 2021) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1033934/Tackling\\_Violence\\_Against\\_Women\\_and\\_Girls\\_Strategy\\_-\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033934/Tackling_Violence_Against_Women_and_Girls_Strategy_-_July_2021.pdf)

## **Delivering justice for victims: consultation response**

work collectively with the sector to strengthen the services ISVAs and IDVAs provide for victims.

ISVAs and IDVAs are some of the most common and well-known advocate roles, with substantial investment from the Ministry of Justice (MOJ). It is for this reason, along with the Government's commitment to deliver support for victims of sexual and domestic violence, that we will focus on these roles within the Victims Bill. However, we remain committed to continuing to monitor other advocacy and support roles, to consider how government, if appropriate, can further support other advocacy services.

The Victims Bill will focus exclusively on the criminal courts. Therefore, in response to matters raised on family court IDVAs, we will consider these recommendations alongside our response to the upcoming Domestic Abuse Commissioner's report into the family court.

This chapter discusses how we will:

- Use the Victims Bill to increase awareness of ISVAs and IDVAs by defining them in law, alongside producing new and widely distributed guidance, to improve clarity on what these roles do, and how others who work with ISVA and

## **Delivering justice for victims: consultation response**

IDVAs should interact with them to best support victims.

- Foster greater collaboration between advocates and those that work with them by creating a duty for others to take due regard of the new statutory guidance.
- **Raise the profile of advocates and transparency of funding and commissioning through a wider package of reform**, including through introduction of a non-public register of ISVAs and IDVAs, a network for support providers and an annual report on ISVA and IDVA provision.

### **You said:**

*ISVAs and IDVAs roles in the wider support landscape*

**Consultation responses and engagement events highlighted the important role advocacy services play in the wider network of support available for victims.** Of 84 respondents, 80 (95%) suggested that IDVAs constitute an important part of the network of support services. 85 out of 97 (88%) said the same of ISVAs. Respondents highlighted the important work ISVAs and IDVAs do to work with agencies to ensure victims receive holistic and specialist support; ensure



victims' voices are heard; and support victims to navigate the criminal justice system, where necessary. Respondents also highlighted that ISVAs and IDVAs offer an important first point of contact for many victims and act as a (long-term) Single Point of Contact (SPOC).

Engagement with victims told us that they felt their advocate made their journey more transparent and easier to navigate, which was supported by service providers who told us that ISVA and IDVA support is important to many survivors, whether they choose to access the criminal justice system or not.

### *Challenges facing ISVAs and IDVAs*

**In addition to the benefits and value ISVAs and IDVAs provide to victims, 133 respondents provided multiple suggestions about the challenges ISVAs and IDVAs face.** 56 suggestions (made by 42% of respondents) emphasised limited availability of IDVA and ISVA support services, while 48 suggestions (made by 36% of respondents) highlighted limited accessibility.

Further, 48 suggestions (made by 36% of respondents) described the limited knowledge and awareness of ISVA and IDVA roles among victims as

## **Delivering justice for victims: consultation response**

a challenge. Additionally, 28 suggestions (made by 21% of respondents) indicated that services are under-resourced, and 21 suggestions (made by 16% of respondents) focussed on limited availability of tailored support services, with frontline workers also suggesting they lacked resources to effectively engage with all victims, including minority victims for instance.

Respondents also made recommendations to address these challenges. This included 85 suggestions (made by 64% of respondents) for increased (long-term and ring-fenced) funding and improved awareness, alongside suggestions for skills and training for advocates in how to work with victims with protected characteristics.

46 out of 58 respondents (79%) agreed that defining IDVA roles would have a positive impact, with similar agreement on the benefits of defining ISVA roles. While a limited number of respondents noted that current qualification and accreditation structures encouraged collaboration, improved consistency and quality, and professionalised ISVA and IDVA roles, many respondents also pointed to flaws in the current system. These included a lack of understanding and

clarity, inadequate training, as well as high time and cost implications.

Respondents noted that more consistent standards, guidelines and qualifications could help organisations and victims better understand the remit of IDVAs and ISVAs, professionalise and improve recognition and status of these roles, improve referral pathways, facilitate evaluations and make service provision more standard and consistent. Respondents also told us that defining the standards would provide an opportunity to re-assess the remit of IDVA and ISVA roles to ensure they are fit-for-purpose, which includes delivering more inclusive, needs-based support.

### *Effectiveness of guidance*

**The effectiveness of existing guidance, including the Government’s “Essential Elements of the ISVA Role”, was also raised as a concern.** Of 52 respondents, 34 (43%) had a negative perception of the guidance stating it was inaccessible, outdated and included unclear content. Some respondents were unaware of it.

Respondents specifically referenced how the existing guidance could be updated to be more useful, including by:

## **Delivering justice for victims:** consultation response

- Making it more readily available and accessible.
- Making it more tailored to the needs of different types of victims, and making other agencies more aware of guidance and the ISVAs and IDVAs roles. Other respondents also flagged the benefit of introducing quality standards to accompany the guidance.

However, we note the importance raised by responses that any enhancement of standards and guidance of the ISVA and IDVA roles should remain flexible to enable continued innovation and to ensure that they remain independent and autonomous.

### *Working with other agencies*

**We also heard of the challenges ISVAs and IDVAs experience working with other agencies.**

Respondents highlighted a lack of training, understanding, communication and awareness of advocate roles by other agencies as a key barrier to effective collaboration. Others referenced resource constraints and restrictions around data and information sharing as challenges. To address these concerns, several respondents suggested that raising the profile of ISVAs and IDVAs would support improved cross-agency working. Other suggestions

## **Delivering justice for victims: consultation response**

included steps to improve inter-agency communication, increase funding, improve training and guidelines around commissioning and accountability, and to facilitate data collection and sharing between agencies.

85 out of 86 respondents (99%) also flagged a need for non-criminal justice agencies (such as doctors, schools and emergency services) to be more victim aware to interact effectively with ISVAs, IDVAs and other support services.

ISVAs and IDVAs we engaged with directly also suggested that guidance should have greater “reach” to the other agencies ISVAs and IDVAs work with to ensure effective collaboration in meeting the needs of victims and embedding a victims focus across agencies. Victims we engaged with told us that advocates often struggled to obtain updates and clarification from other agencies, which negatively impacted their experience, leading to victims reflecting that other agencies and professionals needed to interact with advocates more in order to provide necessary support.

### *Working with children and young people*

71 out of 79 respondents (96%) suggested that child advocacy training differs from adult advocate training, arguing that specialist training was needed. Yet, we heard of unique challenges to child advocacy training. These included a lack of specific training (with too few suppliers/providers offering this), alongside a lack of support or funding for advocates to access training. Respondents also pointed to broader barriers to effective work with children and young people, including the limited availability and accessibility of specialist advocate services, as well as limited funding and inadequate focus on victims in the delivery of services.

In response to these challenges, 61 out of 67 (91%) respondents detailed that it would be useful to have greater clarity on the roles and functions of children and young people's advocates. Among other things, respondents suggested creating more specialised roles focused on, for instance, specific crimes and victims of those crimes. Respondents also suggested improving communication and awareness around existing roles, improving referral pathways for children and young people, and better cross-agency working.

### **We will:**

**We will use the Victims Bill to increase awareness of ISVAs and IDVAs by defining them in law,** improving consistency through new and widely distributed guidance, and harnessing greater collaboration by creating a duty for those that work with ISVAs and IDVAs to have regard of the guidance. This will better enable victims to receive joined up, holistic support tailored to their needs, and speaks to consultation feedback around the need for improved information and awareness, outreach, skills and training. Alongside a greater focus on partnership working, referrals and engagement.

**Separate statutory guidance for ISVAs and IDVAs will** outline these roles' key functions and set out recommended and expected interactions with other agencies. This guidance will set out expected minimum standards and best practice. This approach will also ensure other agencies have greater awareness of ISVAs and IDVAs, take their roles more seriously and provide a useful and standardised tool to help commissioners set standards when they are procuring ISVA and IDVA services. Through this guidance we will also outline expectations and best

practice for supporting victims with protected characteristics, including children and young people.

**We will include a duty for those that work with ISVAs and IDVAs to have regard of the guidance,** to address the challenges raised around other agencies lack of awareness and confusion of ISVA and IDVA roles.<sup>31</sup>

The guidance and duty will accompany a **definition of ISVAs and IDVAs in law**, providing these roles with a statutory footing, further formally recognising these roles, and improving the way other agencies interact with them. We hope this will also be a useful tool for

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<sup>31</sup> Key agencies provisionally include but are not limited to: all police forces in England and Wales, the British Transport Police, the Ministry of Defence Police Crown Prosecution Service (CPS), Judiciary and HMCTS staff, Health and Social Care Services, Local Authorities, Police and Crime Commissioners (PCCs), and other agencies listed in the Victims' Code: Police Witness Care units, Her Majesty's Courts and Tribunals Service, Her Majesty's Prison and Probation Service, The National Probation Service, The Parole Board for England and Wales, The Criminal Cases Review Commission, The Criminal Injuries Compensation Authority, The UK Supreme Court, Youth Offending Teams



commissioners when procuring ISVA and IDVA services. The definitions of ISVAs and IDVAs will however safeguard the flexibility and range of specialisms ISVAs and IDVAs provide (such as those who specifically work with children and young people), which is particularly vital for “by and for” ISVA and IDVA services.

### *Wider work*

**A wider package of reform will bolster our legislative proposals**, increase transparency across the sector and bring together key players to work together to tackle shared challenges.

**As part of this, we will develop a register of all ISVAs and IDVAs across England and Wales.** This register will seek to identify ISVAs and IDVAs level of training, location, and specialisms, whilst establishing who funds their positions. This will serve as a tool for support services and other agencies to have a clearer picture of who is operating in specific locations, while allowing government, commissioners, and the sector to strategically consider and target resource, preventing gaps in provision for victims and thus increasing consistency and access across the sector.

**To further build on the relationship between government and the sector and drive collective improvements, we will introduce a new network for government, ISVA and IDVA practitioners and service providers.** We will use this forum to share best practice, highlight emerging issues, and ensure that policy makers, commissioners and funders are always in touch with the experience of front-line practitioners. We will also consider introducing an **annual report** to support this network which will highlight these examples of best practice, recent data/report findings and any emerging challenges on the sector. An annual report aims to increase transparency and public confidence.

**We will work with the sector and commissioners to develop and implement these long term non-legislative measures.**

Beyond this, as set out in the Rape Review Action Plan, we have committed to develop a Best Practice Framework (BPF) for the handling of Rape and Serious Sexual Offence (RASSO) cases in the Crown Court. This supports ambitions to increase volumes of rape cases progressing through the Criminal Justice

## **Delivering justice for victims: consultation response**

System by improving victim experience, and therefore reducing attrition.

We know ISVAs and IDVAs face specific challenges when working with the courts, and in addition to our ISVA and IDVA guidance, the BPF, and the learning-sharing events that will accompany it, will go further to support victims' ability to engage with the criminal justice system.

The Criminal Procedure Rules Committee have also approved a Rule Amendment that will acknowledge the courts power to give directions for the participation of witness companions, such as ISVAs, while the witness gives evidence. While this is already recognised as good practice, and the importance of judicial discretion, we hope setting this out clearly will also help overcome some of the barriers ISVAs are facing and have raised in response to this consultation.









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